

RIO NUEVO REDEVELOPMENT PLAN / PLANNED AREA DEVELOPMENT

**CITY OF TUCSON
PLANNING DEPARTMENT**

JANUARY 1987

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Adopted by Mayor and Council - January 12, 1987 - Resolution 13903

FORMAL ACTION

Mayor and Council:

August 6, 1979 - Resolution No. 10912 (Blight Declaration)

January 12, 1987 - Resolution No. 13903 (Adoption)

HEARINGS

Mayor and Council:

January 12, 1987

Planning Commission:

December 3, 1986

Planned Area Developments were originally adopted as "Specific Plans" pursuant to the Tucson *Zoning Code* and, subsequently, the Tucson *Land Use Code*. The terms "Specific Plan (SP)" and "Specific Planned (SP) Districts" were changed to "Planned Area Development (PAD)" and "Planned Area Development (PAD) Districts" by Ordinance 9374 which was adopted by Mayor and Council on April 10, 2000. This change in title does not affect the substantive provisions for the districts as adopted.

RIO NUEVO REDEVELOPMENT PLAN/ PLANNED AREA DEVELOPMENT

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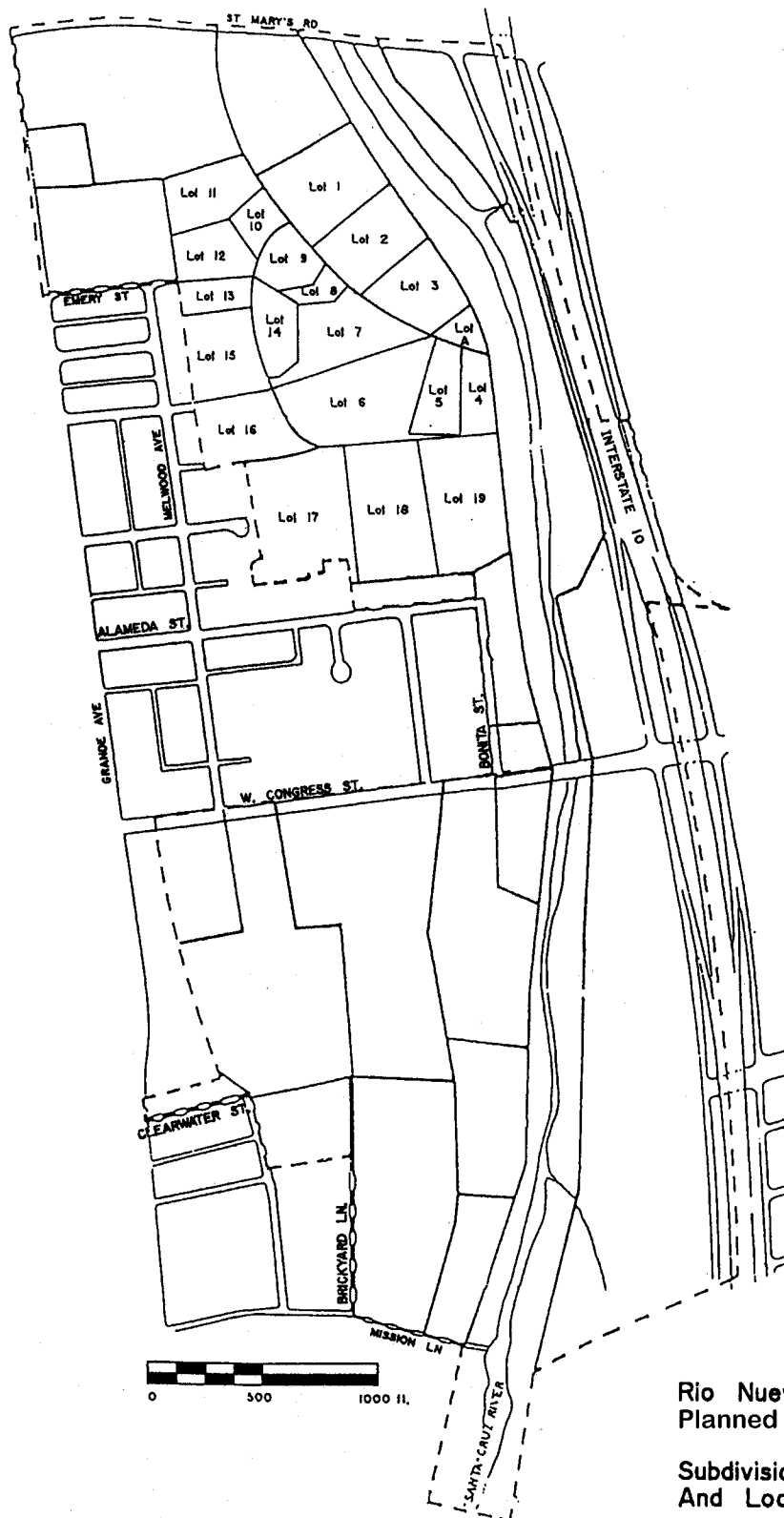
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This lot and/or block information is only periodically updated and is provided for subdivision reference only.

Rio Nuevo Redevelopment Plan/
Planned Area Development 1987

Subdivision Lot Numbers
And Location Map

Profile

Rio Nuevo covers approximately 240 acres. The boundary of the *Plan* jogs to include land parcels between St. Mary's Road and Mission Lane and between I-10 and Grande Avenue. Congress Street splits the *Plan* into two separate areas, north and south.

Purpose

The *Redevelopment Plan/Planned Area Development* establishes the type, location, intensity and character of development to take place. Subsequently, it reduces the need for further duplicating detailed planning and environmental review procedures for development within the *Plan* area. Primarily the *Plan's* design concepts and development standards and criteria focus on the site's physical characteristics, providing the necessary framework to implement the City's adopted *General Plan Land Use Element* and guide development of land parcels in the *Plan* areas.

Plan Background

There is a long history of planning efforts that have taken place in and around this general area. While these efforts encompassed land parcels in the Central Business District and on both the east and west side of Interstate 10, their primary objective was to provide a physical land use and a functionally supportive link between the two areas.

Following are several of these efforts:

- *Urban Renewal Plan* - (expired)
- *Pueblo Center Redevelopment Project (1965)* - (expired)
- *Rio Nuevo Redevelopment Project Redevelopment Plan (1979)*
- *Rio Nuevo Redevelopment Plan (1982)*
- *Rio Nuevo Redevelopment Plan/Planned Area Development (1987)*
- *Tucson Community Center Planned Area Development (1987)*

In sorting these efforts in order, an *Urban Renewal Plan* was adopted and covered a 180 acre area west of the Interstate. An *Urban Renewal Plan* was the necessary management and regulatory tool to serve as an umbrella, whereas "Project" plans were prepared to create significant redevelopment opportunities and address issues unique to specific areas targeted for redevelopment.

The first "Project" undertaken was the *Pueblo Center Redevelopment Project*. It covered parcels east of the Interstate and focused on the Governmental Complex and construction of the *Tucson Convention (Community) Center*.

The next "Project" was the *Rio Nuevo Redevelopment Project Redevelopment Plan*. Emerging in 1979 as an amendment to the *Urban Renewal Plan*, it created four area components: Riverpark Components I, II and III located west of the Santa Cruz River/Interstate 10 and the Downtown West Component (previously named the El Centro Component) located east of the Interstate between Cushing St. and Congress St. No significant development occurred as a result of this *Plan* and,

consequently, the Riverpark Components were superseded by this current *Rio Nuevo Redevelopment Plan* adopted in 1982. The Downtown West Component is, however, still operative (see Table of Contents For page reference).

This 1982 *Plan* established 20 significant parcels shown on Exhibit C and proposed a more comprehensive approach for development of the area than the Riverpark Components by delineating particular land uses for each parcel.

Of these 20, six of the parcels labeled A, B, C, D, H, and R shown on the Exhibit were, subsequently, improved and redeveloped with office, retail and commercial service uses. Together with development of these parcels, this *Plan* facilitated other improvements such as major bank protection of the Santa Cruz River and extensive infrastructure including construction of the spine street and loop road, through 1985.

Economic conditions changed and as a result, private sector interest in developing the remaining 14 parcels in the *Plan* area weakened. In an effort to stimulate further development interest in the 14 parcels, another major plan effort was undertaken. This effort became the *Rio Nuevo Redevelopment Plan/Planned Area Development* adopted in 1987. It was designed to provide financing opportunities that parallel up-to-date financing methods, and proper planning and design of the site to restore its potential as a highly productive activity center.

The following pages contain the *Plan's* land uses recommendations.

Remember, the 1982 *Plan* is still in effect for some of this area but, as mentioned above, now only covers the six parcels A, B, C, D, H, and R. See the Table of Contents for the *Plan's* page reference.

I

INTRODUCTION

The *Rio Nuevo Redevelopment Plan* was adopted by the Mayor and Council of the City of Tucson on March 15, 1982. Since then over 640 residential units have been developed, primarily along St. Mary's road in *Rio Nuevo-North*. In addition, numerous conditions, including soils, landfill and changing market have indicated the appropriateness of a business park development in *Rio Nuevo-North* and an urban activity center in *Rio Nuevo-South*, to include residential, retail and hotel development. The best implementation mechanism for the proposed mixed-use development is the *Planned Area Development*, which provides for a cohesive, integrated, and phased approach to development.

The *Redevelopment Plan/Planned Area Development* for the *Rio Nuevo Redevelopment Project*, hereinafter referred to as the "*Plan*", consists of 171 pages and nine Exhibits (A through I). The *Plan* is prepared in accordance with the State of Arizona Slum Clearance and Redevelopment Act, A.R.S. Sections 36-1471 et seq.; the City of Tucson *Land Use Code*, including the "*Planned Area Development PAD Zone Regulations*". It is intended that the RP/PAD amends and supersedes the 1982 RNRP, except for those land uses and standards for development associated with parcels A, B, C, D, H, & R.

A. Location

Rio Nuevo consists of approximately 240 acres (of which 90 acres are presently vacant) located on the west side of I-10 north and south of Congress Street between St. Mary's Road and Mission Lane. For purposes of identification, property north of Congress Street is referred to as *Rio Nuevo-North*; property south of Congress Street is referred to as *Rio Nuevo-South* (see Exhibits A and B). The project area boundary is shown on "Exhibit A," and the legal description is included as Appendix A. This location and its proximity to the Tucson downtown, as well as the exposure to the Interstate-10 corridor, makes the site well-suited for the creation of an urban mixed-use activity center. It is in this enthusiasm and spirit that the *Rio Nuevo Redevelopment Plan/Planned Area Development* is undertaken.

B. Background

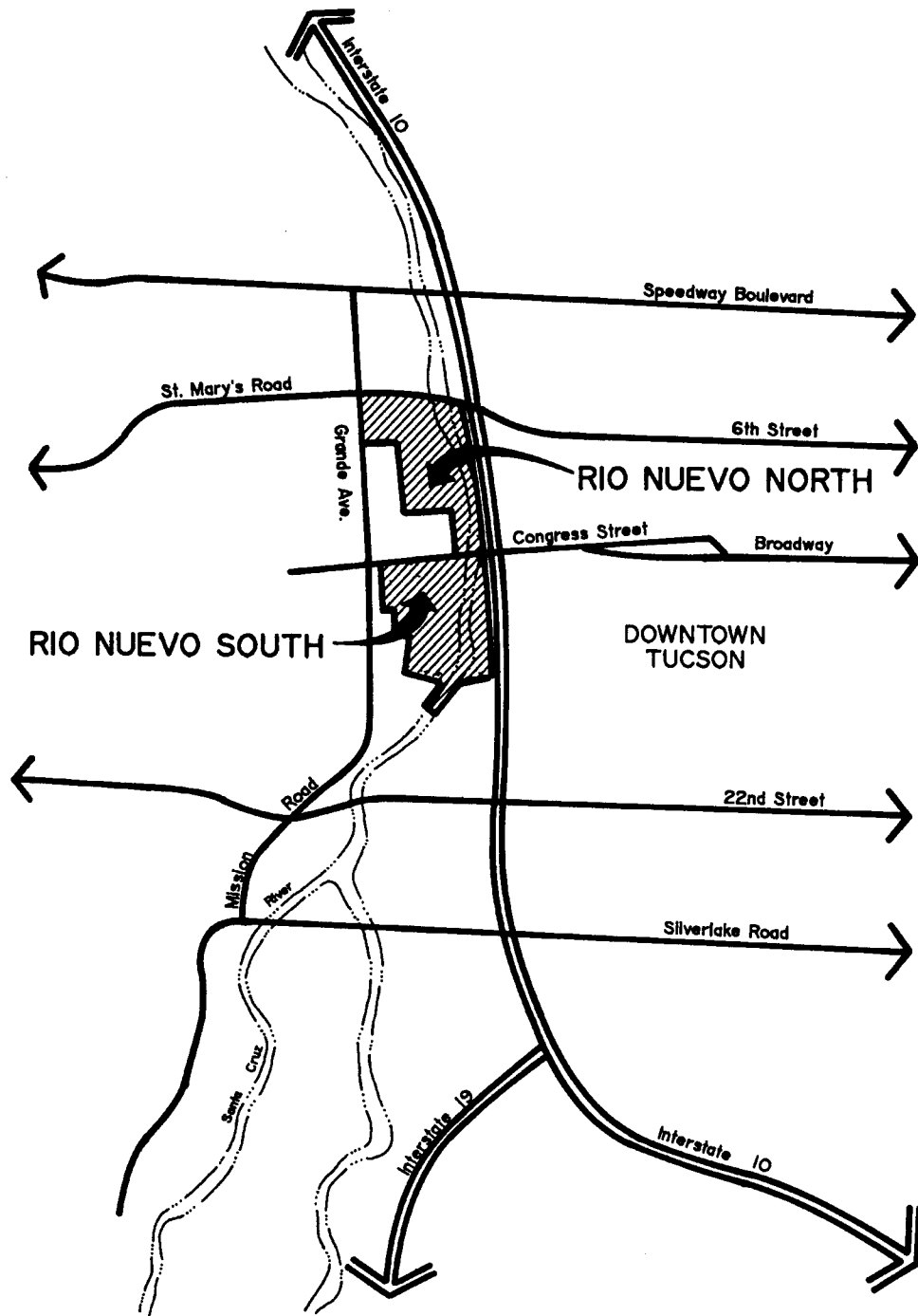
The property, since pre-colonial times, has been a center for human activity. During the 18th century, the Spaniards used the site for agricultural uses and later constructed the Convento and San Augustin Mission. The modern day use of the land included a brick-making plant and quarry, which were active until the mid-1900s. During the 1950's and the 1960's, some of the property was utilized for landfill purposes and presently is vacant. Through proper planning and design, the site has the potential to be restored to a highly productive and aesthetically pleasing environment, reminiscent of its historical basis as an activity center.

C. Existing Land Uses and Conditions of Real Property

Numerous site improvements have been completed in *Rio Nuevo*. The Santa Cruz Riverpark flood control improvements were completed in 1983 at a cost of \$4.8 million.

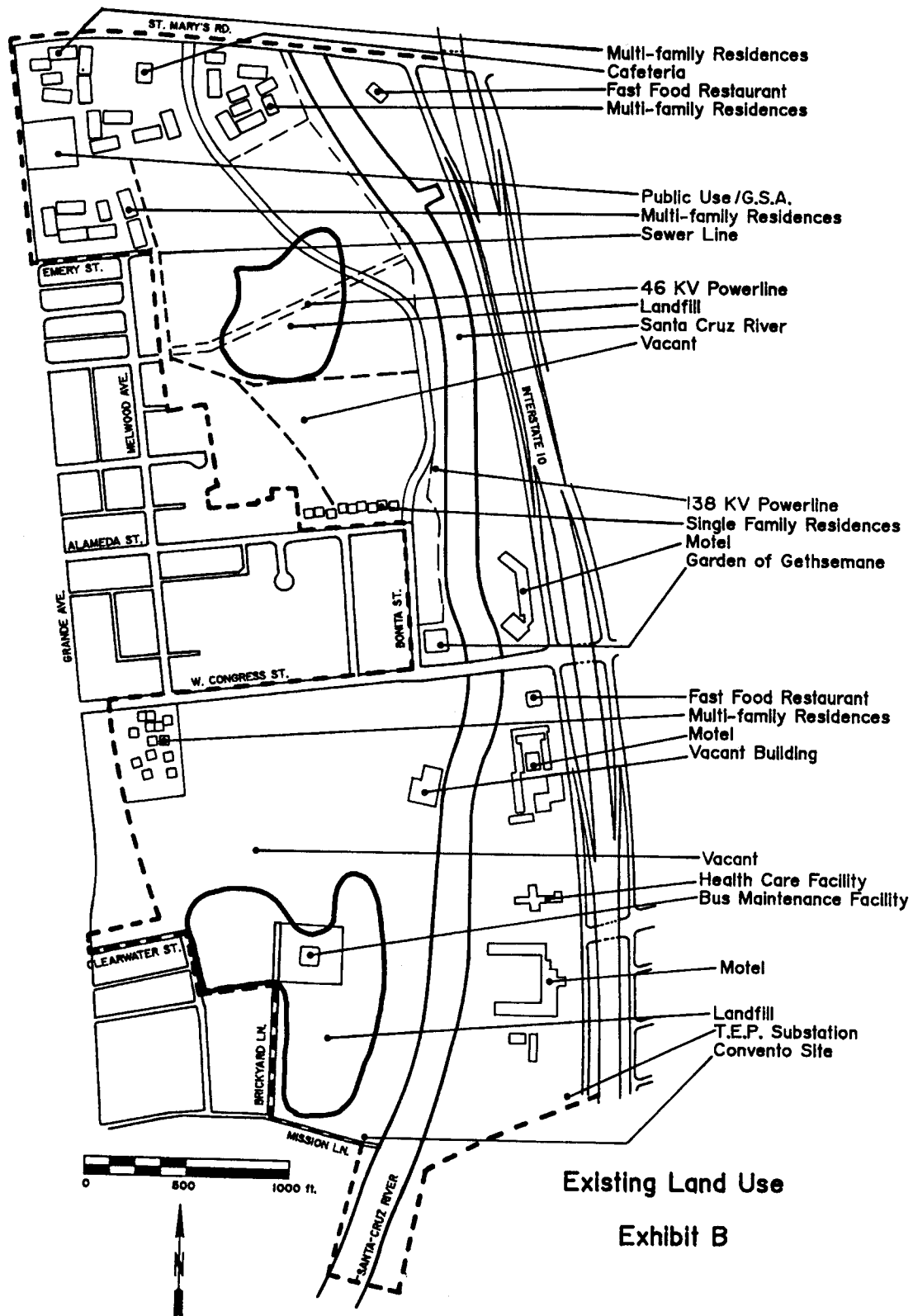
The improvements include low flow soil cement bank protection and an upper flow landscaped bench area that is part of the City's Santa Cruz Riverpark. Bike paths and an Exer-Trail facility have been constructed in the Riverpark. The Garden of Gethsemane in Felix Lucero Park on Congress Street was relocated and reconstructed as part of the flood control project. Much of the site was cleared and graded as part of the flood control work. Portions of the site have been filled with engineered fill.

Bonita Avenue has been extended through *Rio Nuevo*-North to St. Mary's Road from Congress Street. The road includes 36 feet of paving width, curbs, gutters, and sewer (8" VCP) and water lines (8"). Sewer and water stub outs (6") have been extended to the property lines at various locations. Drainage pipes have also been constructed under the roadway to accommodate drainage flow to the river. A concrete-lined drainageway has been installed along the north property lines of Parcels 2 and 3. An inlet has been installed on the west side of Bonita Avenue at the southern intersection of the loop road and Bonita. Street trees have been installed along the eastern right-of-way of Bonita. The balance of landscaping improvements will be subject to the Conceptual Streetscape Program for *Rio Nuevo* included as Appendix F. Plans for the construction of public street lights along Bonita have been prepared, but no construction has occurred. Project monumentation has been constructed along Bonita Avenue at St. Mary's Road, Congress Street and Alameda Street.



Location Map

Exhibit A



The property south of Congress Street will be divided by the City's planned extension of Mission Road from 22nd Street to Congress Street. Mission Road will be a six-lane divided roadway through *Rio Nuevo - South*. Conceptual design plans have been completed. Construction is scheduled to begin in 1987 and be completed by July, 1988.

In addition to the numerous site improvements completed in *Rio Nuevo*, 640 new housing units have been constructed.

Numerous and extensive studies have been conducted during the planned phases of *Rio Nuevo*. These project documents are described in the bibliography (Appendix D).

D. Goals and Objectives

Several objectives have been defined to guide future development and to create a mix of land uses which will be harmonious in its setting and, at the same time, meet standards of open space, circulation, intensity of use, and development character. In addition to creating an activity center, the project objectives include the following:

1. Land Use Objectives
 - a. Utilize presently vacant and/or underutilized land and existing infrastructure located at the gateway to the downtown area along I-10.
 - b. Create a focal core, which establishes open space features and provides recreation amenities in conjunction with new urban development.
 - c. Develop land uses logically on the property (considering clustering, massing, and intensity of scale), to achieve continuity of design and establish a sense of identity.
 - d. Provide for continued development of a linear park system through the project area and for associated pedestrian and bikeway networks throughout the project area to create a unifying element to and within the project.
 - e. Set the urban character by employing a variety of architectural designs while maintaining a consistent theme, and by assuring continuity through coordinated landscaping, signage, street furniture, and lighting.
 - f. Create an environment in keeping with the important cultural, historic and archaeological features of the River area.
 - g. Provide opportunities for low and moderate income housing.
 - h. Intensify human activity through the development of new residential communities close to the downtown in the central area of the Riverpark.

- i. Develop innovative financing methods to encourage private investment and reduce the cost of housing to the consumer.
 - j. Buffer the existing neighborhoods from the higher intensity uses planned for portions of the project, using setback and height restrictions.
 - k. Mitigate the impact of landfills by implementing a master methane control program.
 - l. Improve local and regional transportation mobility with the construction of Mission Road in *Rio Nuevo-South*.
 - m. Enhance the economic base of the City of Tucson with the development of *Rio Nuevo*.
 - n. Orient office uses adjacent to landfills, where possible, to buffer existing and proposed residential uses and to provide a compatible day-use only use in close proximity to the landfills.
 - o. Situate commercial uses in *Rio Nuevo-South* for exposure, accessibility, market feasibility, and as a neighborhood amenity.
 - p. Create a functionally and aesthetically integrated development that enhances the image of the City.
2. Relationship of the *Plan* to Local Objectives
- a. Conformance with the *General Plan* and *General Plan*^{*} for the City of Tucson with respect to land use, thoroughfares and redevelopment.
 - b. Furtherance of the goals and policies set forth in the *Inner City Revitalization Study*, adopted December 23, 1974, which, among other things, encourages medium to high density residential development in appropriate areas of the downtown area.
 - c. Conformance to and furtherance of the policies of *The Santa Cruz Riverpark Plan*, adopted February 13, 1978, and *Parks and Open Space Recreation Plan*, 1981.

E. Purpose and Intent

The most suitable control mechanism to implement development in *Rio Nuevo* is the *Redevelopment Plan/Planned Area Development*, which, when adopted by City legislative action, serves both a planning function and a regulatory function. The *Redevelopment Plan/Planned Area Development*, as a result, becomes an implementation tool of the City's adopted *General Plan Land Use Element*.

^{*} *The General Plan* was originally adopted as the "*Comprehensive Plan*" pursuant to the Tucson *Zoning Code* and, subsequently, the Tucson *Land Use Code*. The term "*Comprehensive Plan* (CP)" was changed to the "*General Plan*" by Ordinance 9517, which was adopted by Mayor and Council on February 12, 2001. This change in title does not affect the content of the Plan.

The *Rio Nuevo Redevelopment Plan/Planned Area Development*, when adopted, establishes the type, location, intensity and character of development to take place. It functions as a general blueprint of future development, a site specific document focusing on the physical characteristics of the site and the development standards which will guide development within the *Plan* area.

A key function of the *Redevelopment Plan/Planned Area Development* is to reduce the need for subsequent detailed planning and environmental review procedures for development of *Rio Nuevo*. The *Redevelopment Plan/Planned Area Development*, Draft Environmental Impact Statement, and supplemental EIS provide the necessary regulations and environmental documentation for the project area so that future development proposals consistent with the *Redevelopment Plan/Planned Area Development* may proceed with tentative plats, site plans, and/or other discretionary permits without a requirement for new environmental documentation and/or rezoning processes.

The primary objective of the *Rio Nuevo Redevelopment Plan/Planned Area Development* is to implement the City's *General Plan* through the translation of the City's broader development policies into design concepts and development controls tailored to the *Plan* area. All City policies, standards, criteria and procedures are incorporated by reference into this *Redevelopment Plan/Planned Area Development*, except where deviations are warranted to improve design quality, flexibility, or harmony as specified in this document.

F. Definitions

The terms and definitions used in this *Plan* shall mean those defined in Section 23-21 of the City of Tucson Zoning Ordinance, with the following exceptions:

Building. Any structure or building for the support, shelter, or enclosure of persons, or property of any kind, including accessory/maintenance facility.

Business Park Uses. A business classification to include production, service and distribution businesses, whose activities are conducted within a completely enclosed building and produce no noxious fumes, obtrusive noises, and/or negative visual elements. Examples of acceptable uses are blueprinting, lithography, printing or publishing; research and development, including fabrication or component assembly; retail showroom; school or college (operated as a commercial enterprise); medical or dental laboratory; or other similar uses.

City. The City of Tucson, Arizona.

Commercial. A blanket classification including office, restaurant, personal and business services, retail sales, specialty retail and entertainment, recreational, and cultural uses, but excluding manufacturing or warehousing uses.

Developer. An individual or entity who acquires or leases development areas in the *Rio Nuevo Redevelopment Project* for the purpose of developing in accordance with the *Plan*.

Development Areas. Development parcels "1 through 14" as described on the *Land Use Plan* to which specific land uses and regulations, including other applicable City codes, governing their development have been applied.

Development Plan. A document which shall provide the information necessary for City of Tucson review and approval and shall include plans for the location of buildings, energy conservation, parking areas, traffic circulation, landscaping, elevations, areas and treatment of refuse collection, fire hydrant locations, site drainage and utility easements. The site plan shall conform in all basic aspects to the *Redevelopment Plan/Planned Area Development*, and, when approved, shall authorize the development of the site. Applications of City permits shall be reviewed for appropriate City Code compliance, including but not limited to building permits, sign permits, grading permits, road and parking lot permits and certificates of occupancy shall be issued by the City if the application conforms to the approved site plan.

Floor Area. The sum of the gross horizontal areas of the several floors of all buildings, including accessory buildings on a lot measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, and shall include elevator shafts and enclosed stairwells at each story, floor space with structural head-room of six feet, six inches or more used for mechanical equipment, penthouses, attic space, interior balconies, mezzanines and enclosed porches, but shall not include any interior space used for parking, loading, lobbies (limited to 2% of floor area), atriums, or recreational space for employee use, such as exercise/health facilities and cafeteria/kitchens.

Floor Area Ratio. The result of dividing the floor area of a building (in square feet) by the square footage of the development area or parcel on which it is to be constructed. A measure, for comparative purposes, of the intensity of the use of land.

General Plan. The City of Tucson *General Plan*.

Hotel. An establishment that provides primarily lodging and which may contain ancillary convention facilities, dining, entertainment, recreational facilities and personal services for the public.

Master Methane Control Plan. A document identifying conditions of methane gas generation from existing solid waste disposal sites within the redevelopment project area, discussing alternative means and systems to control methane gas generation and/or migration, defining monitoring procedures and setting forth organization and responsibilities for system installation and operation.

Office. A place where professional or semi-professional services are provided, or a particular kind of business is transacted, excluding retail and wholesale trade as a principle use. Support retail functions such as athletic clubs, pharmacies, restaurants, and other

limited retail uses, not to exceed 25 percent of the gross floor area, are permitted as secondary or accessory uses. Banks, savings and loan institutions, and brokerages, campus/garden office and corporate office are permitted uses.

Owner. Any individual or entity owning real property within the *Rio Nuevo Redevelopment Project*.

Plan. The *Redevelopment Plan/Planned Area Development* for the *Rio Nuevo Redevelopment Project*.

Project. The *Rio Nuevo Redevelopment Project*.

Property Owners Association. An Arizona nonprofit corporation formed by the Redevelopment Entity or *Rio Nuevo* property owners in order to administer and enforce the project covenants and maintenance districts.

Redevelopment Administrator. The administrative head of the Redevelopment Entity.

Redevelopment Entity. The Downtown Development Corporation of Tucson, Arizona, or other entity officially designated by City of Tucson to be responsible for implementation of the *Rio Nuevo Redevelopment Project*.

Redevelopment Law. The Slum Clearance and Redevelopment Act of the State of Arizona, A.R.S., Sec. 36-1471 et seq.

Redevelopment Project Area. The area included within the boundaries of *the Rio Nuevo Redevelopment Projects* as shown in the Boundary Description, "Appendix A".

Restaurant. A public eating place, indoors or outdoors, which may allow service of alcoholic beverages, dancing and live entertainment.

Site Area. The land area in acres or square feet within the existing boundaries of a development area or parcel.

State. The State of Arizona.

Usable Open Space. Includes open space in private or common areas, yards, courts, deck areas, landscaped areas, balconies, ramadas, and porches which are usable and accessible for active/passive recreational purposes. It does not include areas set aside for vehicular parking, maneuvering, driveways, loading, trash collection, exterior stairwells, or exterior corridor areas less than six feet wide used primarily to gain access to buildings.

II

SPECIFIC DEVELOPMENT PLAN

A. Development Concept

1. Land Use

The *Rio Nuevo Land Use Plan*, shown as Exhibit C, calls for retaining and environmentally upgrading existing uses east of the Santa Cruz River, and developing commercial/office/residential projects on approximately 90 acres of vacant land west of the river, north and south of Congress Street adjacent to the already-improved Santa Cruz Riverpark.

Residential development is intended to accommodate approximately 900 - 1,200 dwelling units and housing 1,000 to 2,000 persons, depending on final density and product mix determinations developed in response to market factors over the six to eight-year development period.

Commercial and other non-residential uses are included as primary or alternative uses. *Rio Nuevo-South* will be divided by Mission Road and oriented to several market and design opportunities: commercial, office, residential, and recreational uses. Freeway interchange orientation will be a major factor in use determination. Architectural characteristics to attain a "Tucson identity" will be carefully devised. A multi-family development element will also be included subject to marketability, financing considerations, and surrounding land use compatibility.

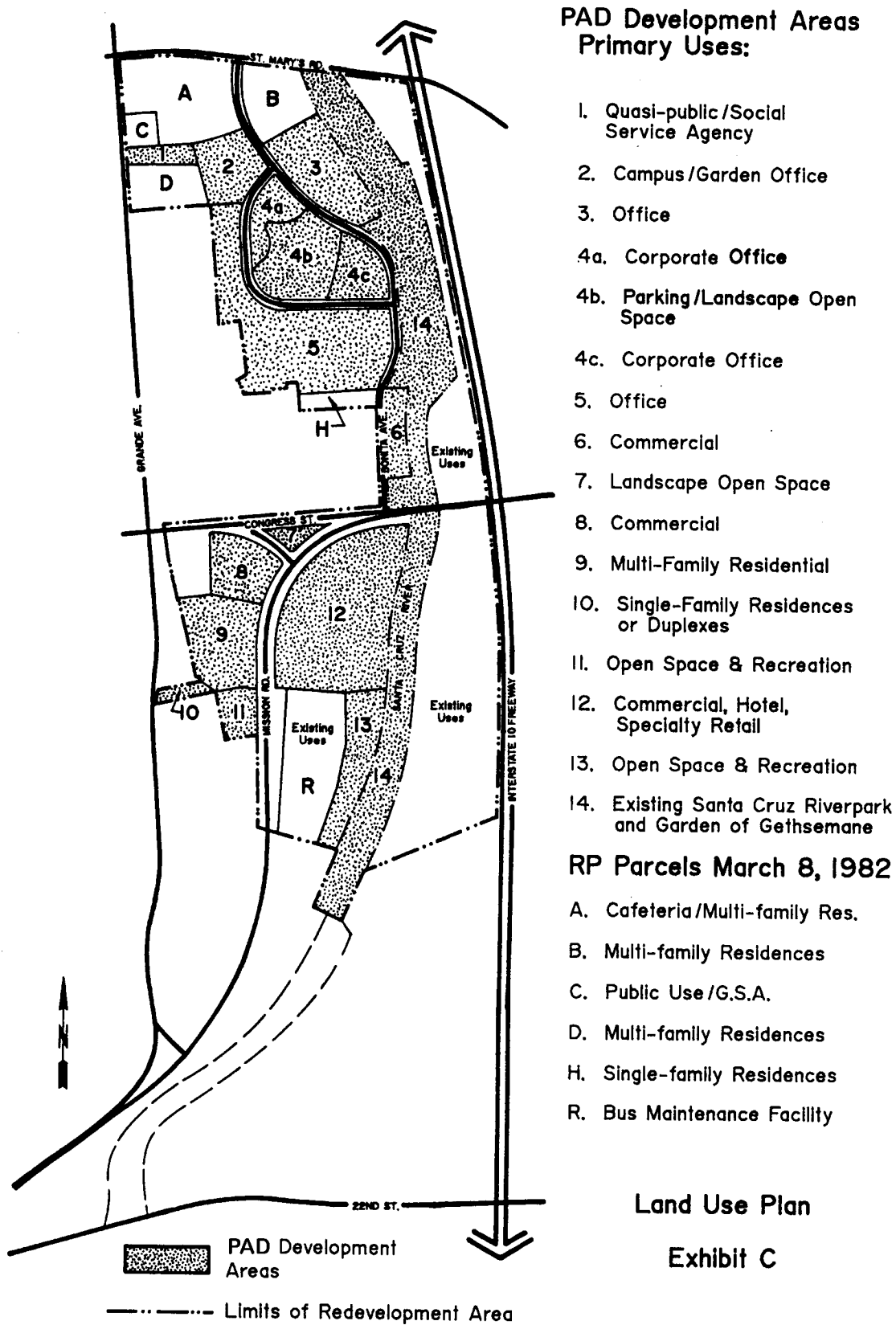
Between Congress and St. Mary's, *Rio Nuevo-North* will contain a major increment of the project's residential development, oriented primarily to St. Mary's Road. In internal areas and along the Riverpark, the land-use pattern will be "mixed-use", consisting of office and research/development, plus limited retail, with an allowance for multi-family residential as site conditions and market dictate.

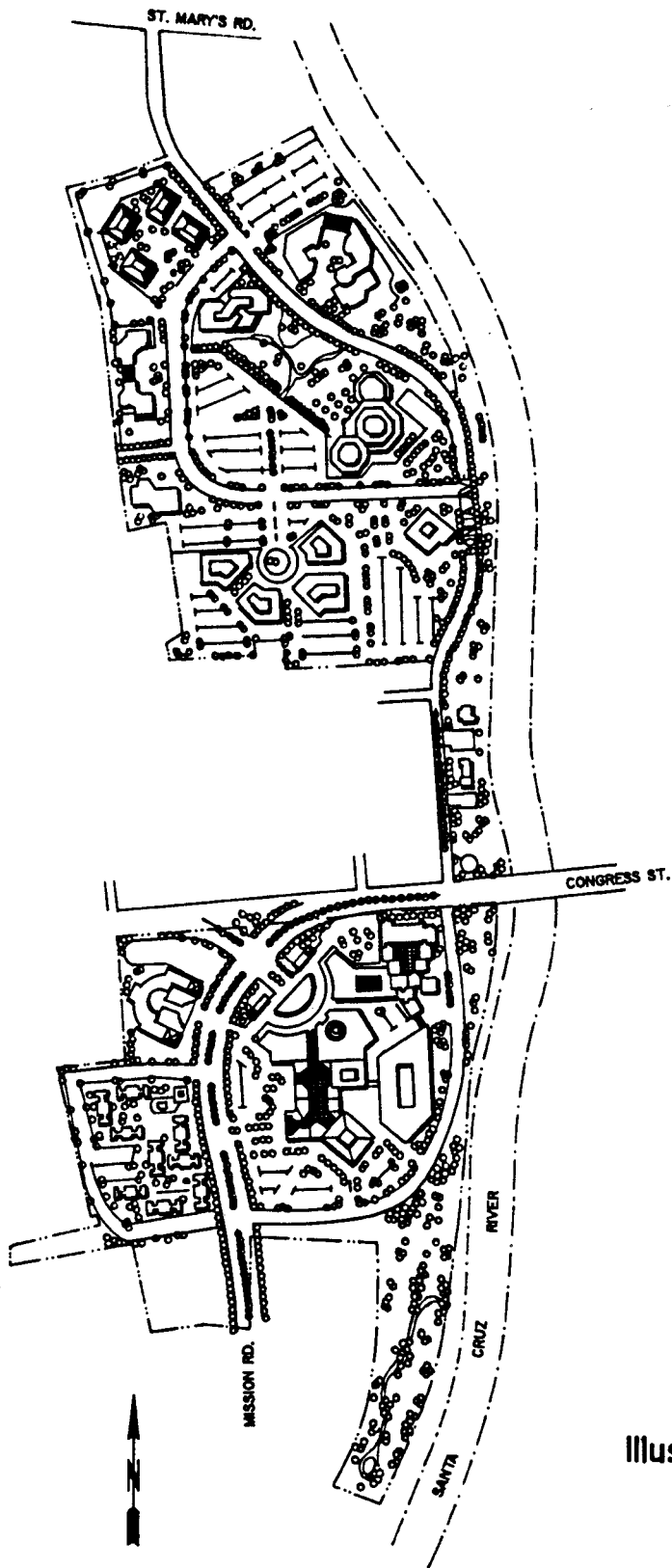
All areas will be subject to site development and design guidelines and performance criteria.

Existing motel uses east of the Santa Cruz Riverpark will continue in their present status.

Exhibit C highlights development parcels 1 through 14. Also shown are parcels A, B, C, D, H, and R.

The planned area development portion of this *Plan* incorporates only parcels 1 through 14 while the redevelopment plan portion encompasses the 14 numbered parcels and the six lettered parcels.





Illustrative Site Plan
Exhibit D

2. Access/Circulation

Various streets will be dedicated to the City of Tucson as redevelopment of the site proceeds. Most important will be the north-south arterial, Mission Road through *Rio Nuevo-South*. Mission Road will have 120 feet of right-of-way, six lanes. The north-south street, Bonita Avenue, in *Rio Nuevo-North* has been dedicated to the City and presently consists of two lanes (36 feet) of paving (with no on-street parking) in a fifty foot right-of-way, plus turn lanes at Congress and St. Mary's (Exhibit E).

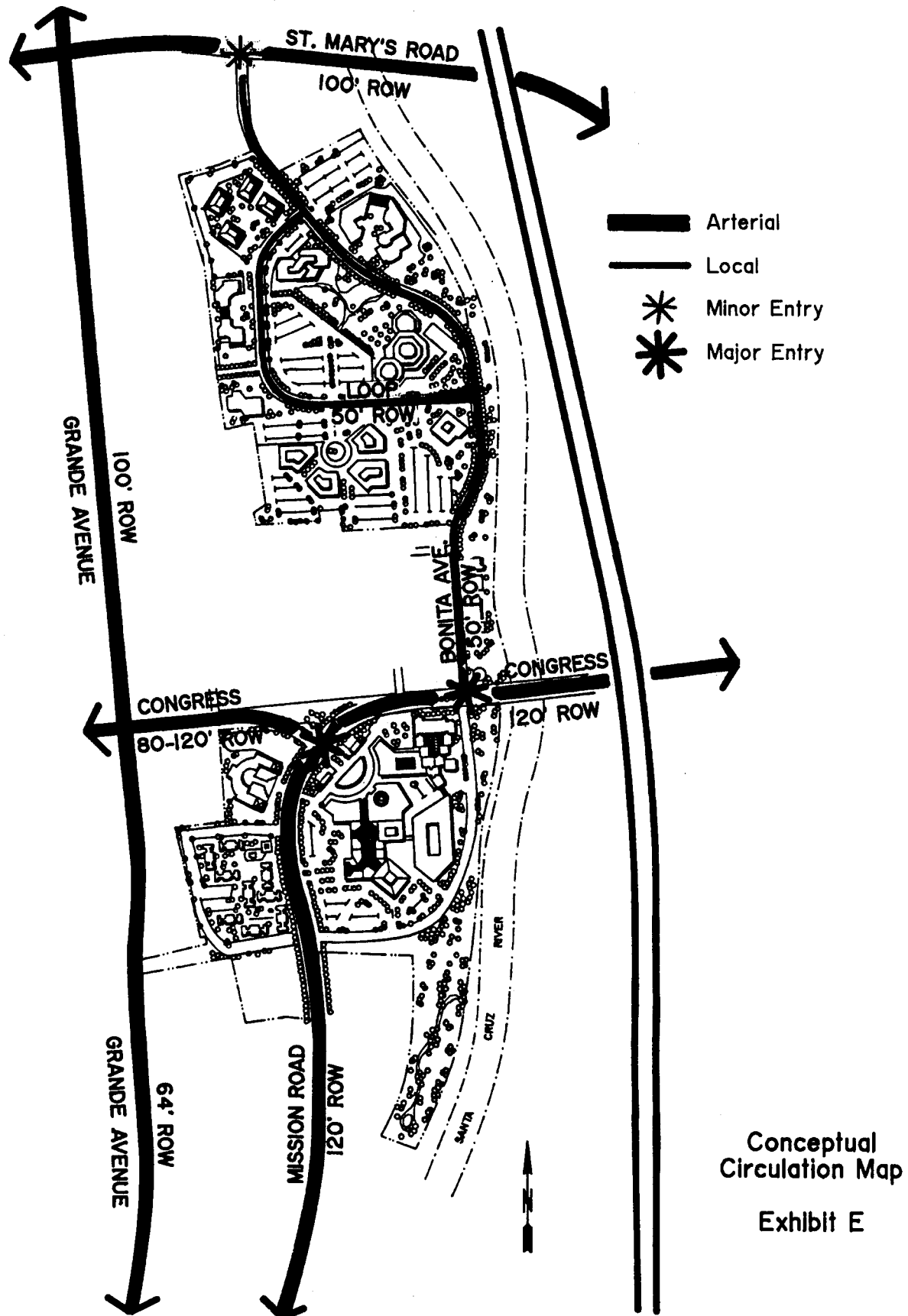
Other streets, which will be local streets feeding the primary north-south street, may also be dedicated to the City of Tucson. Local streets within parcels of the project area may be privately held and maintained by means of the property owners' association.

The City of Tucson will have basic responsibility for maintaining portions of the Riverpark, designated landfill areas and street landscape. An improvement district for enhanced municipal maintenance services may be created to provide for enhanced maintenance services of portions of the Riverpark, designated landfill areas and streetscape areas. The services provided by the district will be at a higher level or to a greater degree than those normally and customarily provided by the City of Tucson. All property owners within the *Rio Nuevo* Project benefiting from the enhanced services will participate in the district. In addition to the private streets, all open spaces, pedestrian pathways, parking and landscaped areas held in common will be maintained by the association(s). Standards for streets, pedestrian pathways, landscaping, and signage will be detailed in subsequent development plans submitted to the Redevelopment Entity and the City of Tucson for approval. No local streets within the project area will connect with existing neighborhood streets to the west, thus reducing potential traffic impacts on these neighborhoods.

Bonita Avenue functions as the major entryway to *Rio Nuevo-North* from Congress. Existing residences and businesses on Bonita Avenue are shielded from the impact of *Rio Nuevo* traffic by the use of a landscaped traffic island.

Both public and private open spaces will be provided in the project. It is the intent of this *Plan* that open spaces be usable, attractive and contribute to the image of the project and the well being of its residents. In addition, developers will be encouraged to design the open spaces as a series of nodes linked by pathways, so that clearly defined corridors result.

A traffic study (Appendix G) projects estimated traffic volumes and patterns. Land use intensity will be limited to the capacity of intersections serving the area.



3. Open Space/Recreation

The open space and recreation concept (Exhibit F) for *Rio Nuevo* is oriented to urban amenities rather than large natural open space areas. The intent of this element of the *Plan* is to establish a system of open space features and recreation opportunities within the *Plan* area. Features may include pedestrian and bicycle trails as well as passive amenities such as park benches and tables, and other ingredients deemed suitable to complement the desired open space element. This system is an integral part of the community structure and provides another set of linkages between the land use areas of the *Plan*.

Central to this system of open space features is the Santa Cruz River itself, with a linear trail system/Riverpark along the east and west banks. Within the site, a system of open malls and a central plaza may be constructed to provide both linkages between use areas and a central open space focal point to be enjoyed by employees and residents. (Refer to *Santa Cruz Riverpark Master Plan*, City of Tucson, 1982 and *Parks and Open Space Recreation Plan*, City of Tucson, 1981.)

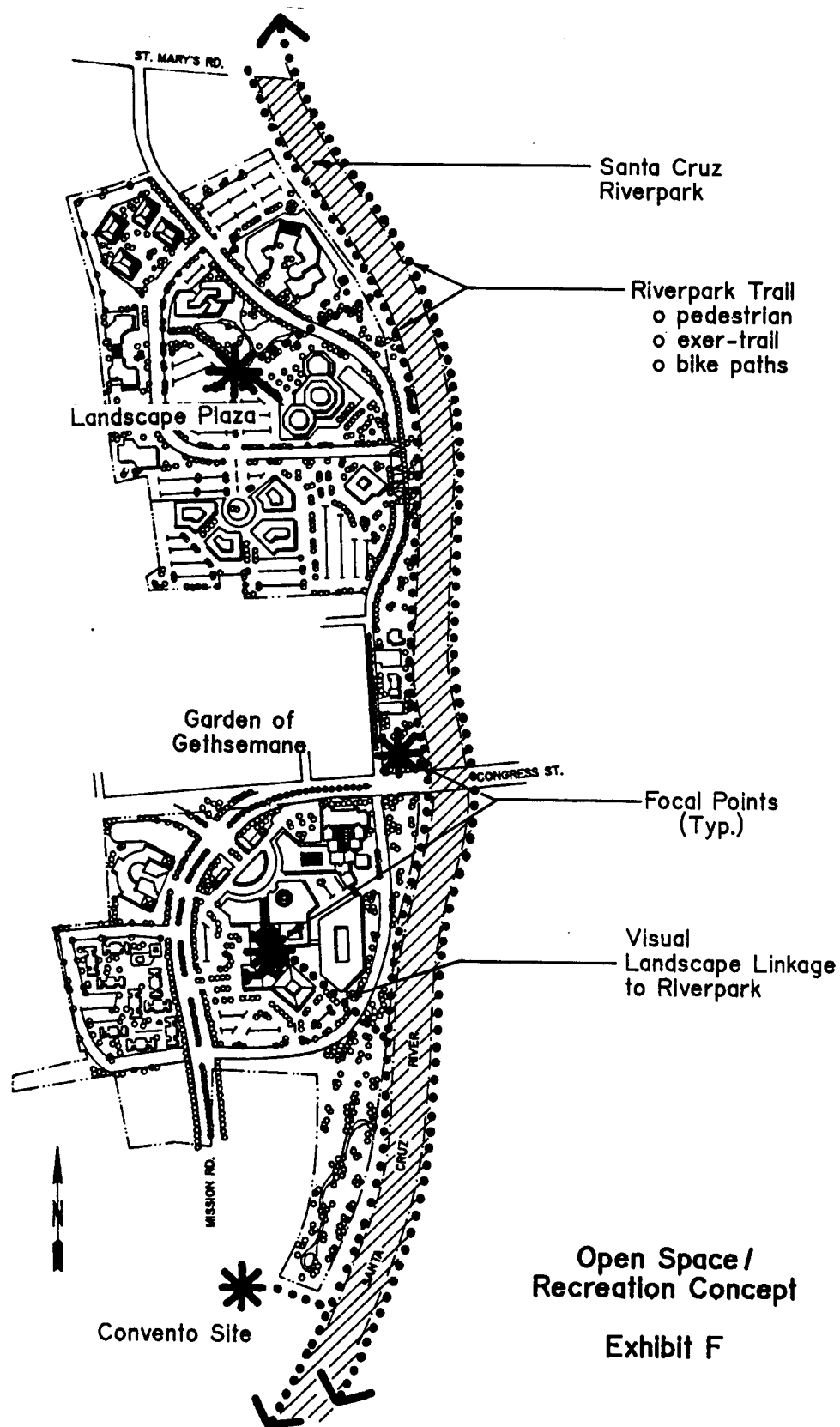
4. Landscape Concept

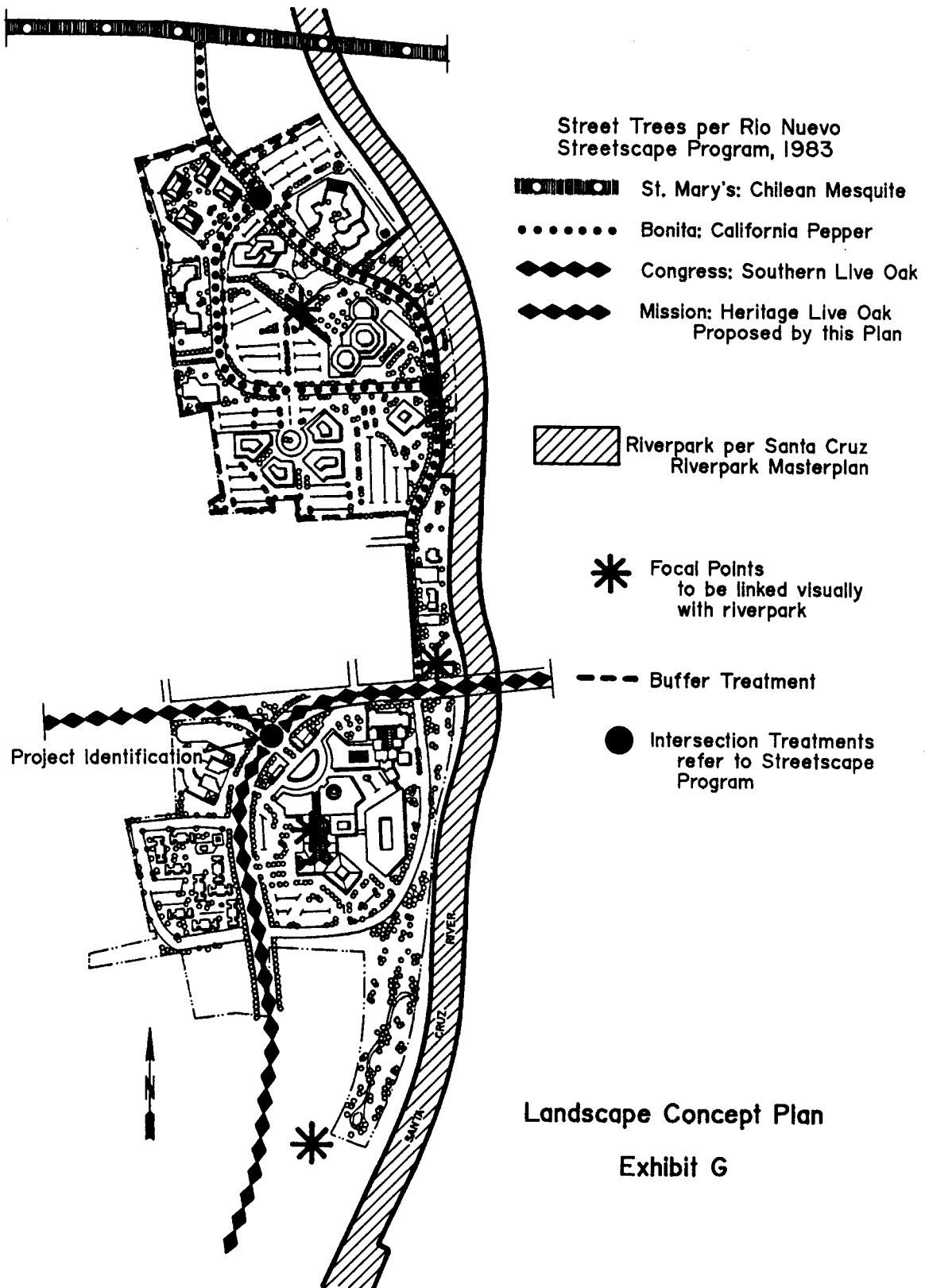
The landscape concept for *Rio Nuevo* will unify and set the character for this urban space; repetition of a common theme and drought resistant, low maintenance plant materials will strengthen and enhance this image (Exhibit G). (The guiding document for the landscape concept is the Streetscape Program for *Rio Nuevo*, 1983, Appendix F.) Where a variety of architectural approaches are permitted for buildings, continuity will be assured by coordinated landscaping, signage, street furniture and lighting.

Several elements are proposed in the landscape concept, including:

- project entries/streetscape
- buffering
- perimeter landscaping/parking
- major pedestrian ways/plaza area
- open space
- Riverpark

In addition to these elements, design guidelines strongly encourage individual site designs to incorporate features that help modify the local microclimate to conserve energy and water and to create a comfortable and healthful human environment. This is termed the "oasis" design concept, and calls for creation of areas that are shaded in summer and sunlit in winter, use of plant materials as windbreaks, harvesting of rainwater for irrigation and building orientation for energy efficiency.





5. Infrastructure

Overhead power lines of 138, 46 and 14 kV now span the redevelopment area. Redevelopment activities to date have made minor modifications to these lines. A tower supporting the 138 kV lines that traverse the site from north to south along the Santa Cruz River has been adjusted 50 feet westward in the vicinity of the Congress Street Bridge to allow for channel widening for flood control. The 46 kV lines that cross the site from Fresno Street east to the river may be relocated on site, if necessary, and will most likely remain above ground. Various 14 kV distribution lines at the boundaries of the project area may be placed underground or relocated as future detailed site planning may determine.

All other utilities constructed to serve the redevelopment shall be placed underground to promote health, safety and an uncluttered appearance.

Sewer and water mains; storm drain and bank protection facilities; streets, pedestrian and bicycle routes; and utilities will be provided to serve the project. A master plan will be developed which identifies, sizes and locates all the sewer and water mains and storm drain facilities. All development and infrastructure facilities discussed above will be constructed to all City, DOT, and other applicable building, health and safety standards.

The City of Tucson will be responsible for designing and constructing the Mission Road realignment. The Redevelopment Entity and/or developer of *Rio Nuevo* will be responsible for installation of public improvements, quality control, and overall project management for all other phases and elements of the development program. The Redevelopment Entity and/or developer shall construct, install, or otherwise provide all other public street, utility, and landscaping improvements pursuant to standards and specifications approved by the City of Tucson. All designated public improvements are to be dedicated, upon completion by phase of construction, to the City of Tucson, subject to City approval of design and construction and acceptance of maintenance responsibilities.

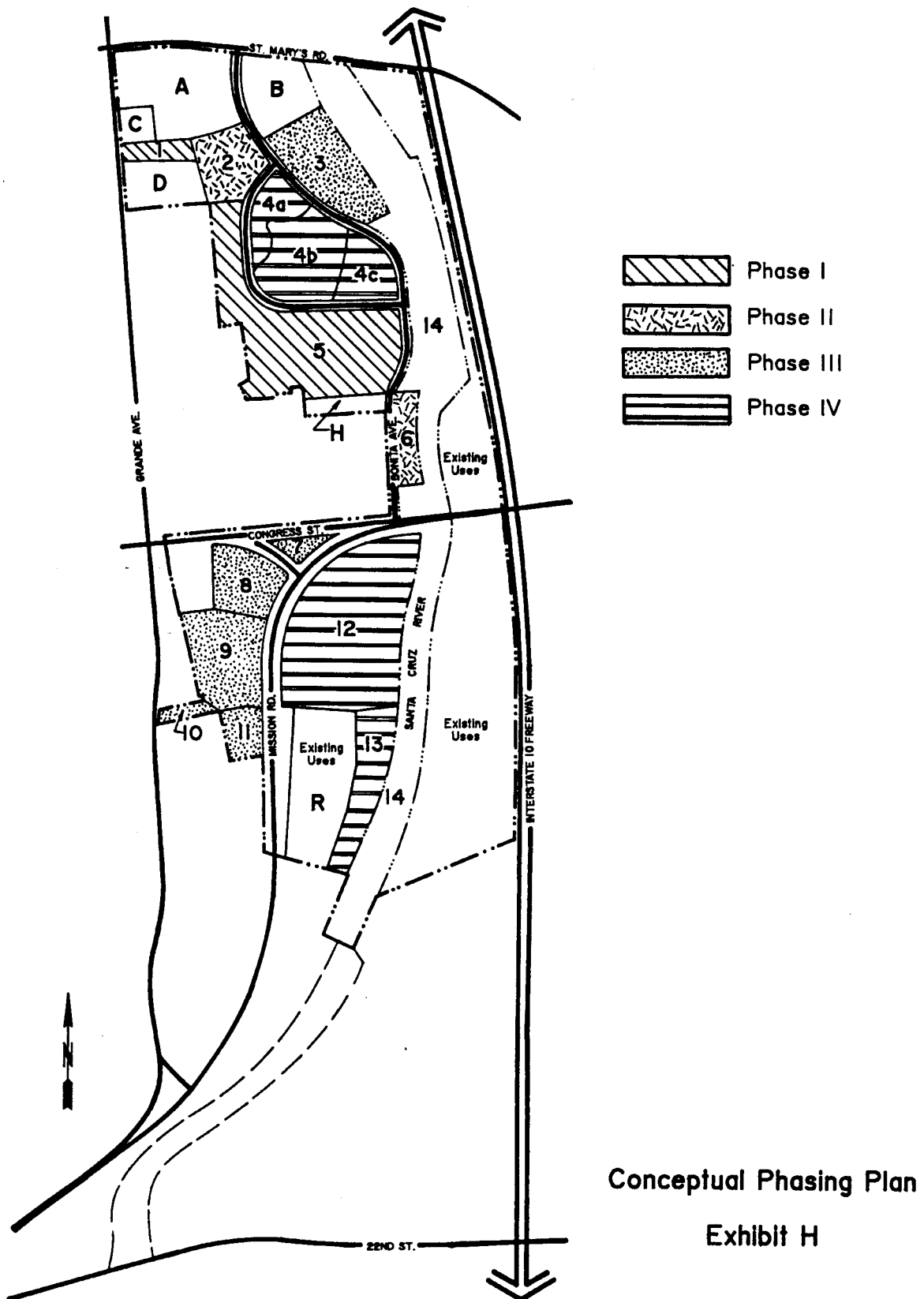
6. Phasing

Phasing of development at *Rio Nuevo* shall reflect a number of conditions and factors influencing project implementation, including:

- Current and future trends in residential, office and commercial demand and absorption rates.
- Development and timing of infrastructure and other improvements, and available financing mechanisms.

- Relationships between the phasing of development within *Rio Nuevo* and implementation of the regional circulation system (i.e., new alignment of Mission Road).

A conceptual phasing plan, developed in response to the above factors is described herein (see Exhibit H). Infrastructure improvements and policy conditions shall be successfully resolved prior to or concurrent with each increment of development.



DEVELOPMENT AREA: 1 1.5 acres

Primary Use Permitted: Quasi-public/Social Service Agency/
Multi-family - Residential

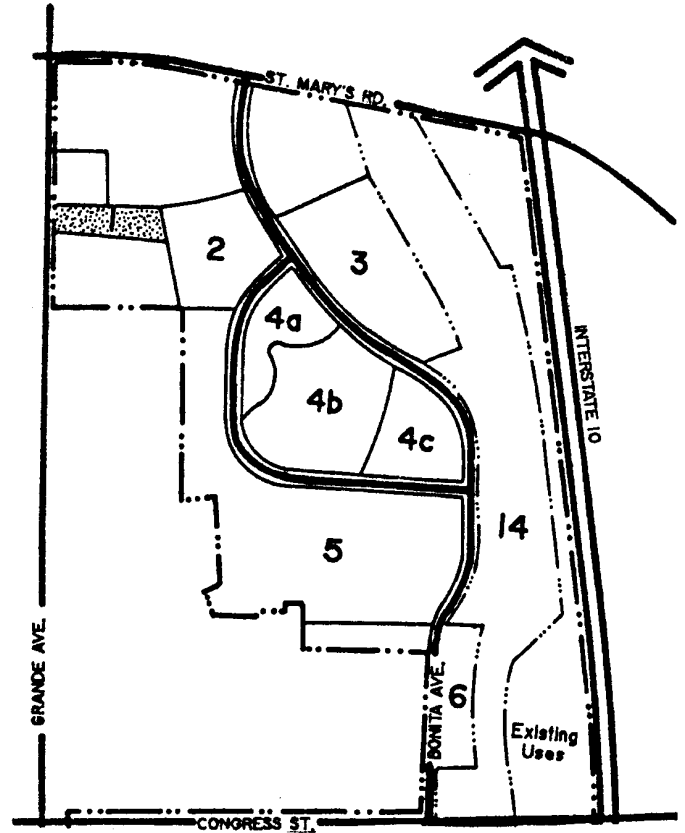
Alternate Uses Permitted: Office
Community Service

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Minimum building setback of non-residential uses from existing residential development areas: 20'
- c) Maximum floor area ratio: 0.5
- d) Maximum building height: 30'
- e) Parking requirements: Per design guidelines, Section IIIA

Additional Development Standards for Residential Uses:

- a) Maximum Density: 11 residences per acre.
- b) Minimum usable open space per residential dwelling unit: 300 sf.



DEVELOPMENT AREA: 2 5.2 acres

Primary Use Campus/Garden
Permitted: Office, Business Park

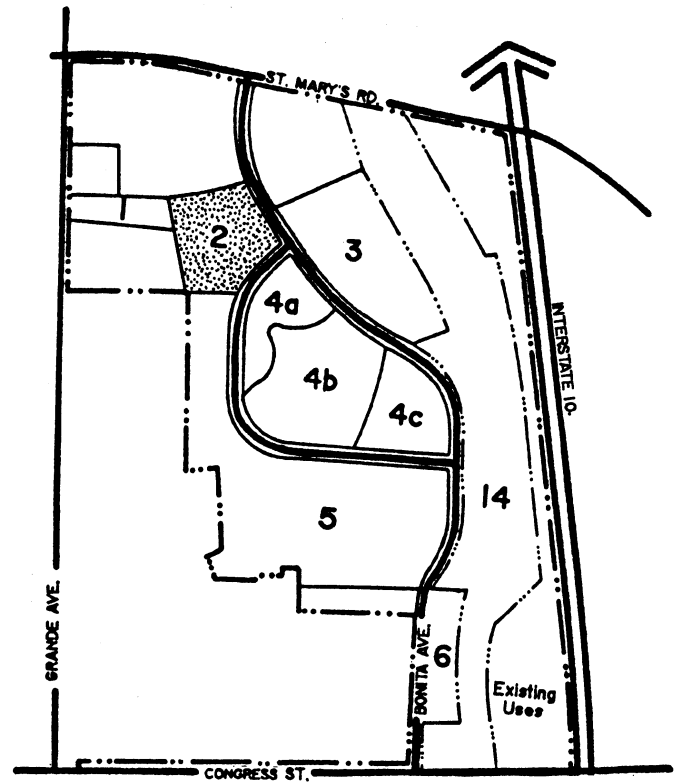
Alternate Uses Multi-Family
Permitted: Residential/Elderly Housing

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Minimum building setback from existing residential development areas: 20'
- c) Maximum floor area ratio: 0.5
- d) Maximum building height:
25' within 100' of R-1 or R-2; 30' within 100' - 200' of R-1 or R-2; 40' elsewhere
- e) Minimum landscape requirements: 10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- f) Special screening or buffering: 5' wide landscape strip/5' high vegetative screen along northside drainageway
- h) Parking requirements: Per design guidelines, Section IIIA

Additional Development Standards for Residential Uses:

- a) Maximum density: 40 residences per acre
- b) Minimum usable open space per residential dwelling unit: 300 sf.



DEVELOPMENT AREA: 3 7.8 acres

Primary Use Office, Business Park
Permitted:

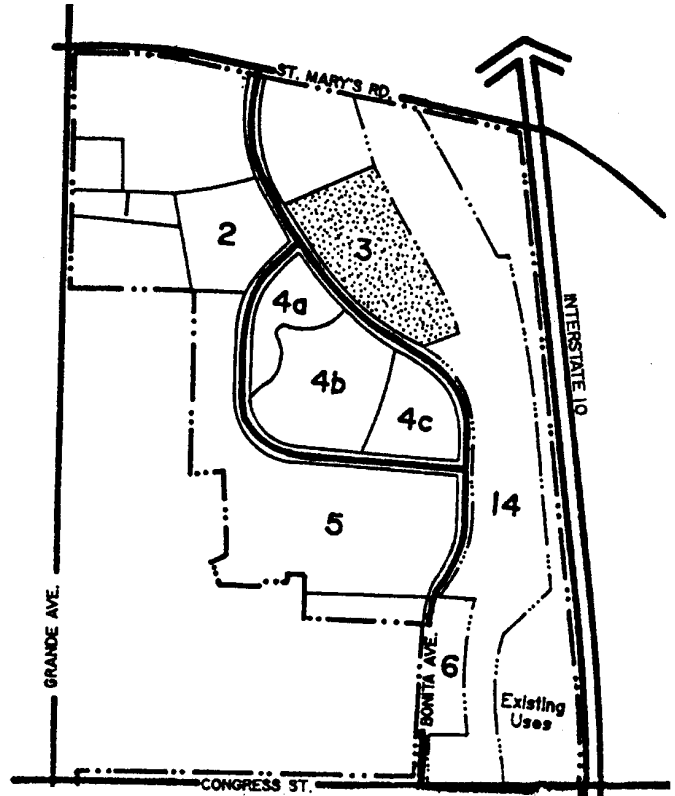
Alternate Uses Multi-Family
Permitted: Residential

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Minimum building setback from existing residential development areas: 20'
- c) Maximum floor area ratio: 0.6
- d) Maximum building height: 75'
- e) Minimum landscape requirements: 10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- f) Special screening or buffering: 5' wide landscape strip/5' high vegetative screen along northside drainageway
- g) Parking requirements: Per design guidelines, Section IIIA

Additional Development Standards for Residential Uses:

- a) Maximum density: 60 residences per acre
- b) Minimum usable open space per residential dwelling unit: 300 sf
- c) Maximum building height: 40'



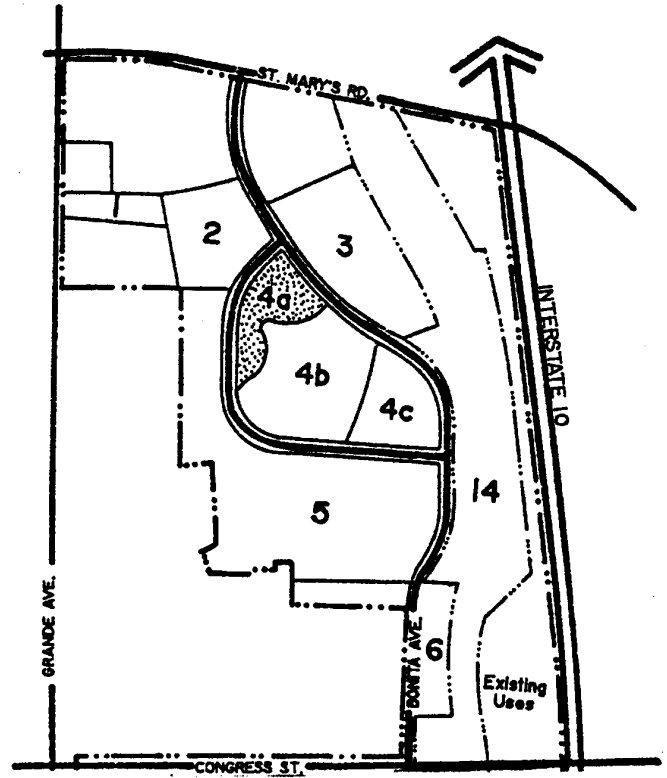
DEVELOPMENT AREA: 4A 3.3 acres

Primary Use Corporate Office
Permitted:

Alternate Uses Business Park
Permitted:

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Maximum floor area ratio: 0.7
- c) Maximum building height: 40'
- d) Minimum landscape requirements:
10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- e) Parking requirements: Per design guidelines, Section IIIA



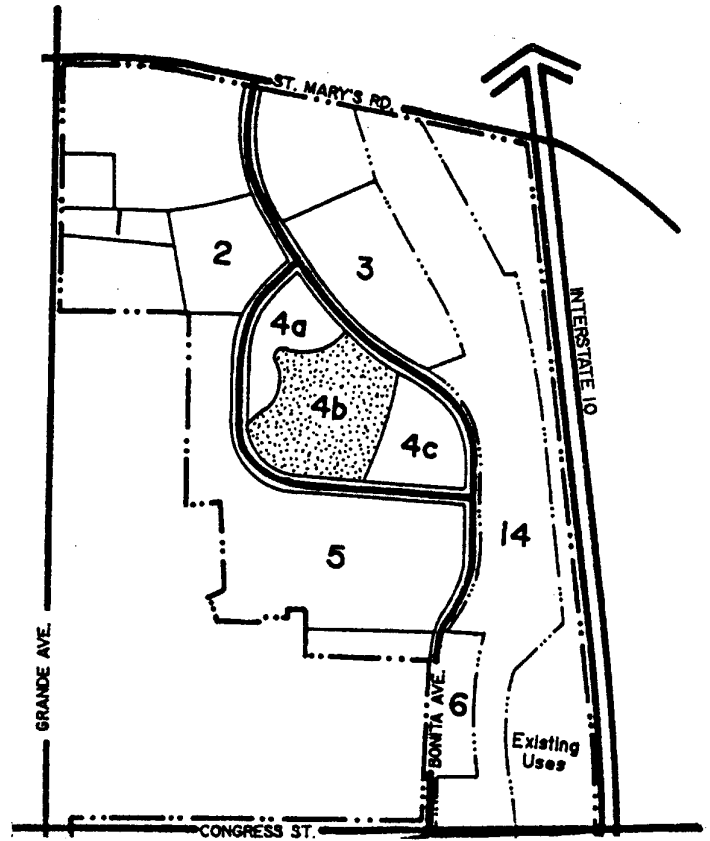
DEVELOPMENT AREA: 4B 7.4 acres

Primary Use Parking/Landscaped
Permitted: Open Space

Alternate Uses Office
Permitted: (conditioned upon landfill
 excavation/mitigation)

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Maximum floor area ratio: 1.0
- c) Maximum building height: 75'
- d) Minimum landscape requirements for parking or office uses:
10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- e) Parking requirements: Per design guidelines, Section IIIA



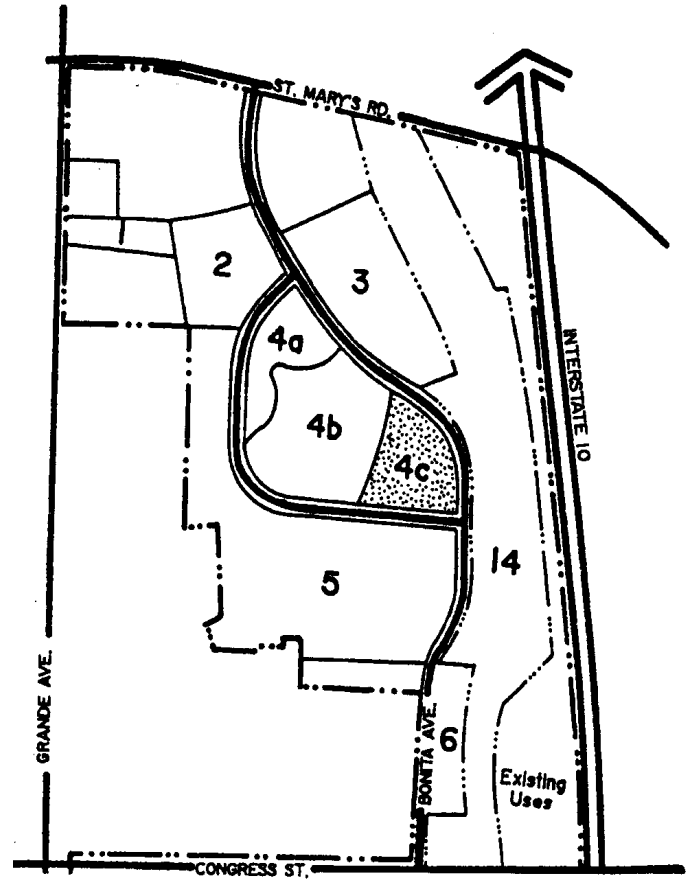
DEVELOPMENT AREA: 4C 3.8 acres

Primary Uses Corporate Office
Permitted:

Alternate Uses Business Park
Permitted:

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Maximum floor area ratio: 1.0
- c) Maximum building height: 75'
- d) Minimum landscape requirements: 10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- e) Parking requirements: Per design guidelines, Section IIIA



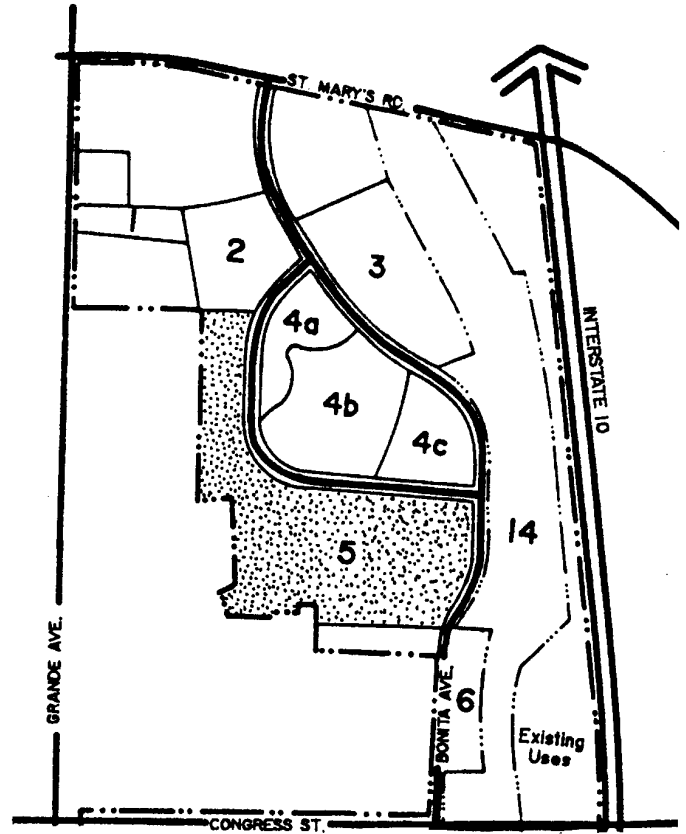
DEVELOPMENT AREA: 5 19.5 acres

Primary Uses Office
Permitted:

Alternate Uses Business Park
Permitted:

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Minimum building setback from existing residential development areas: 20'
- c) Maximum floor area ratio: 0.6
- d) Maximum building height:
25' within 100' of R-1 or R-2; 30' within 100' - 200' of R-1 or R-2; 40' elsewhere
- e) Minimum landscape requirements: 10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- f) Special screening or buffering: A 6' high wall and a 5' wide planting strip buffer on west and south property lines, where a 5' high wall does not exist.
- g) Parking requirements: Per design guidelines, Section IIIA



DEVELOPMENT AREA: 6 1.9 acres

Primary Use Commercial
Permitted:

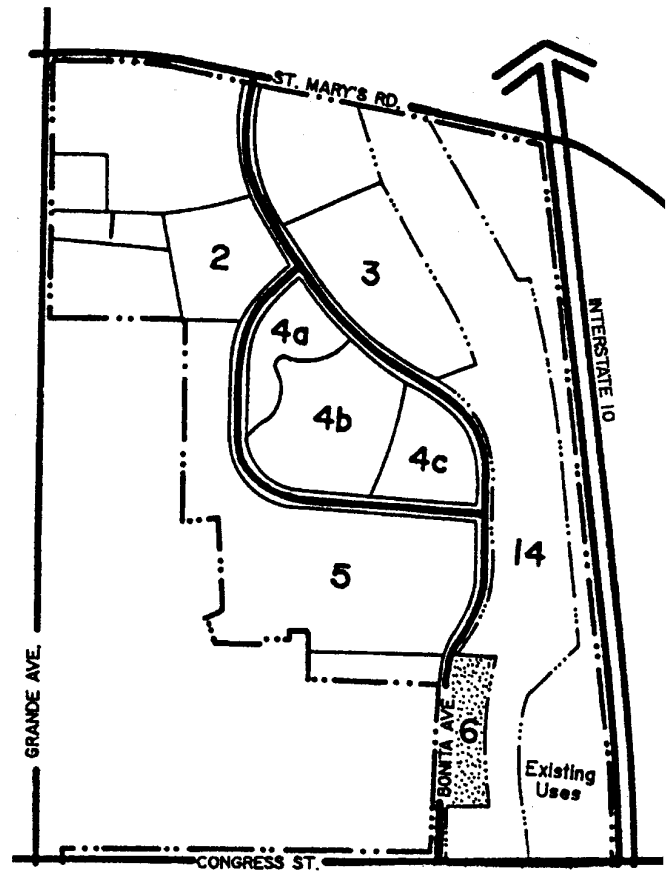
Alternate Uses Residential
Permitted:

General Development Standards:

- a) Minimum building setback from public streets: 10' (average)
- b) Maximum floor area ratio: 0.4
- c) Maximum building height: 25'
- d) Minimum landscape requirements:
10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- e) Special landscape requirements:
Structural retaining wall may be required by Floodplain Management along Riverpark to prevent erosion
- f) Parking requirements: Per design guidelines, Section IIIA

Additional Development Standards for Residential Uses:

- a) Maximum density: 22 residences per acre
- b) Minimum usable open space per residential dwelling unit: 300 sf



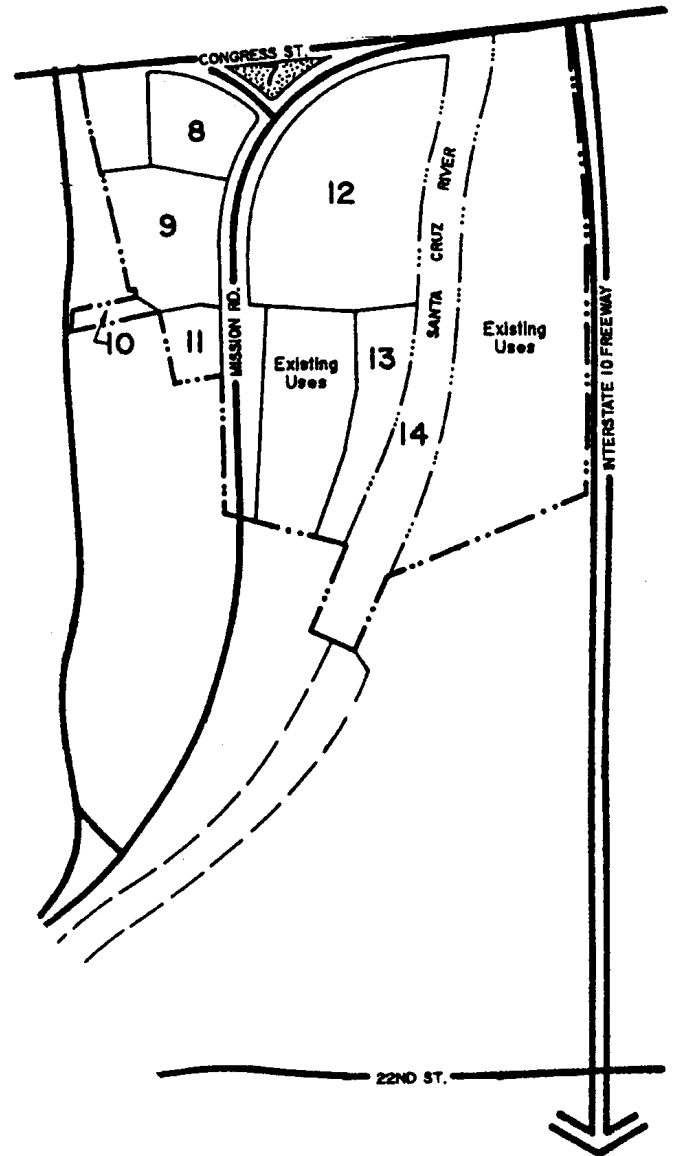
DEVELOPMENT AREA: 7 1.0 acres

Primary Use Open Space
Permitted:

Alternate Uses Project ID Signage
Permitted:

General Development Standards:

- a) Minimum landscape requirements:
10% of gross site area excluding up to 5'
width of landscape areas along public
rights-of-way
- b) Special landscape requirements:
Prime site for work of art



DEVELOPMENT AREA: 8 4.8 acres

Primary Use Commercial
Permitted:

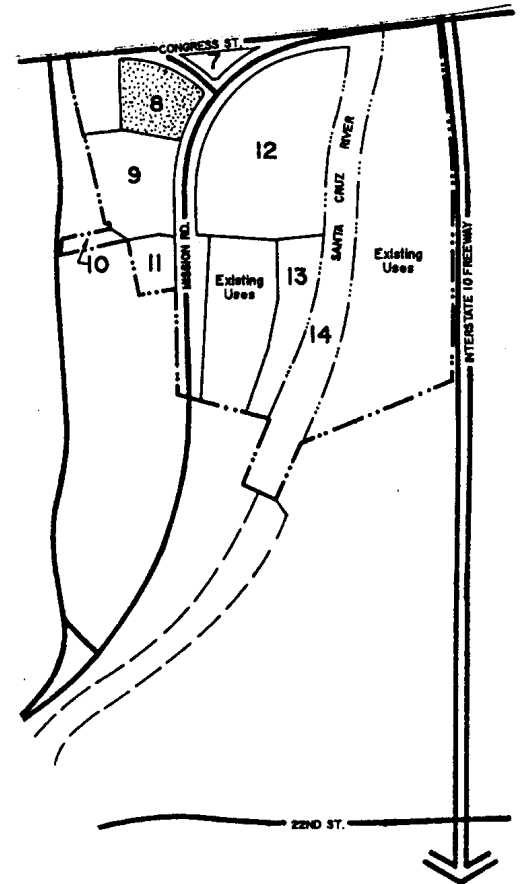
Alternate Uses Hotel
Permitted: Multi-Family
 Residential

General Development Standards:

- a) Minimum building setback from property line: 20'
- b) Maximum floor area ratio: 0.4
- c) Maximum building height:
 30' within 100' of west property line; 40' elsewhere
- d) Minimum landscape requirements:
 10% of gross site area excluding up to 5' width of
 landscape areas along public rights-of-way
- e) Parking requirements: Per design guidelines, Section
 IIIA

Additional Development Standards for Residential Uses:

- a) Maximum density: 40 residences per acre
- b) Minimum usable open space per residential dwelling unit: 300 sf



DEVELOPMENT AREA: 9 7.8 acres

Primary Uses Multi-Family
Permitted: Residential

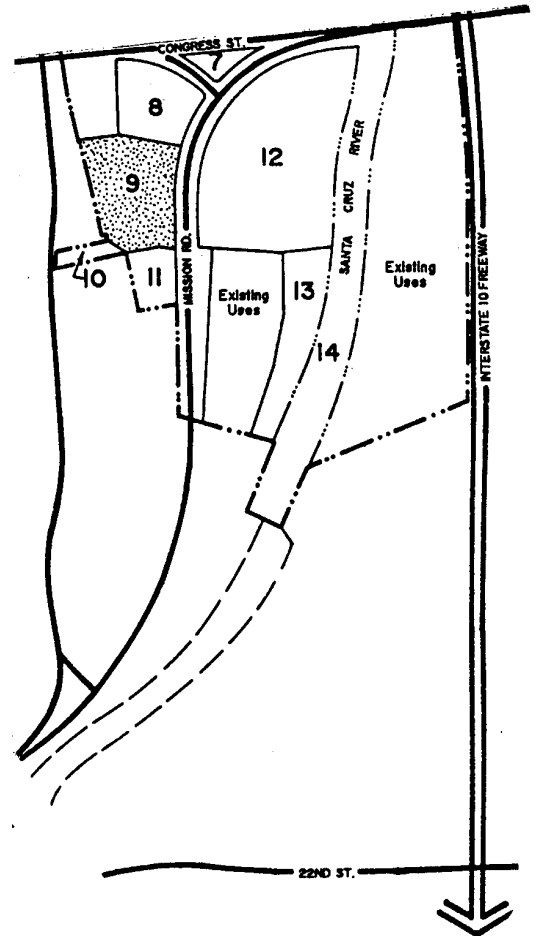
Alternate Uses Commercial,
Permitted: Hotel

General Development Standards:

- a) Minimum building setback from property line: 20'
- b) Minimum building setback from existing residential development areas on the west property line: 35'
- c) Maximum floor area ratio: 0.5
- d) Maximum building height: 30' within 100' of west property line; 40' elsewhere
- e) Minimum landscape requirements: 10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- f) Parking requirements: Per design guidelines, Section IIIA

Additional Development Standards for Residential Uses:

- a) Maximum density: 40 residences per acre
- b) Minimum usable open space per residential dwelling unit: 300 sf



DEVELOPMENT AREA: 10 0.7 acres

Primary Uses Single-Family
Permitted: Residential or Duplexes

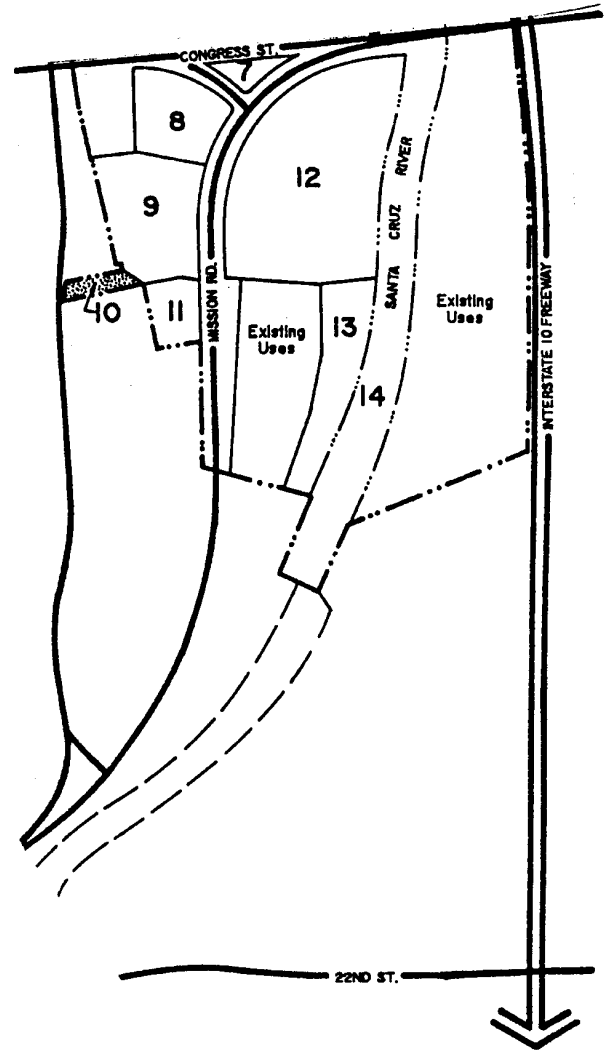
Alternate Uses Public and Quasi-Public including
Permitted: Park, Recreation Social/Community
 Service, and Public Utility Uses

General Development Standards:

- a) Minimum building setback from public streets:
 Distance equal to 60% of building height, not
 less than 20'
- b) Minimum building setback from existing
 residential development areas: 20'
- c) Maximum floor area ratio: 0.5
- d) Maximum building height: 25'
- e) Parking requirements:
 Per design guidelines, Section IIIA

Additional Development Standards for Residential Uses:

- a) Maximum density: 6 residences per acre
- b) Minimum usable open space per residential dwelling unit: 300 sf



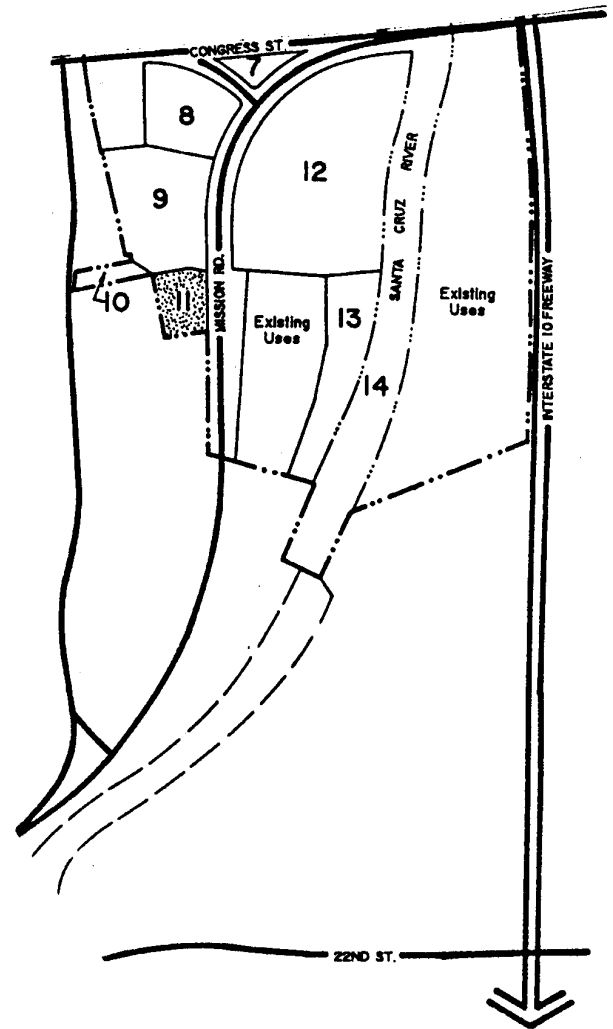
DEVELOPMENT AREA: 11 2.1 acres

Primary Uses Permitted: Open space and recreation-restricted uses due to presence of landfill

Alternate Use Permitted: Parking

General Development Standards:

- a) Special landscape requirements:
 - Special landscaping and irrigation methods will be required so that methane production from the underlying landfill is minimized, per MMCP
- b) Parking requirements:
Per design guidelines, Section IIIA



DEVELOPMENT AREA: 12 21.1 acres

Primary Uses Permitted: Commercial, Hotel, Specialty Retail (with preference for theme-oriented use)

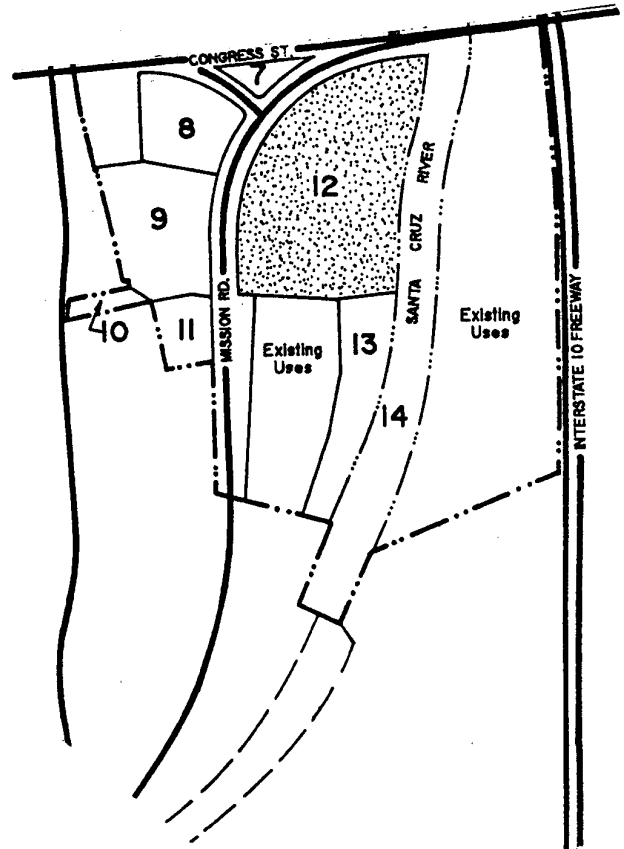
Alternate Use Permitted: Multi-Family Residential

General Development Standards:

- a) Minimum building setback from public streets: Distance equal to 60% of building height, not less than 20'
- b) Maximum floor area ratio: 1.0
- c) Maximum building height: 75'
- d) Minimum landscape requirements: 10% of gross site area excluding up to 5' width of landscape areas along public rights-of-way
- e) Parking requirements: Per design guidelines, Section IIIA

Additional Development Standards for Residential Uses:

- a) Maximum density: 60 residences per acre
- b) Minimum usable open space per residential dwelling unit: 300 sf



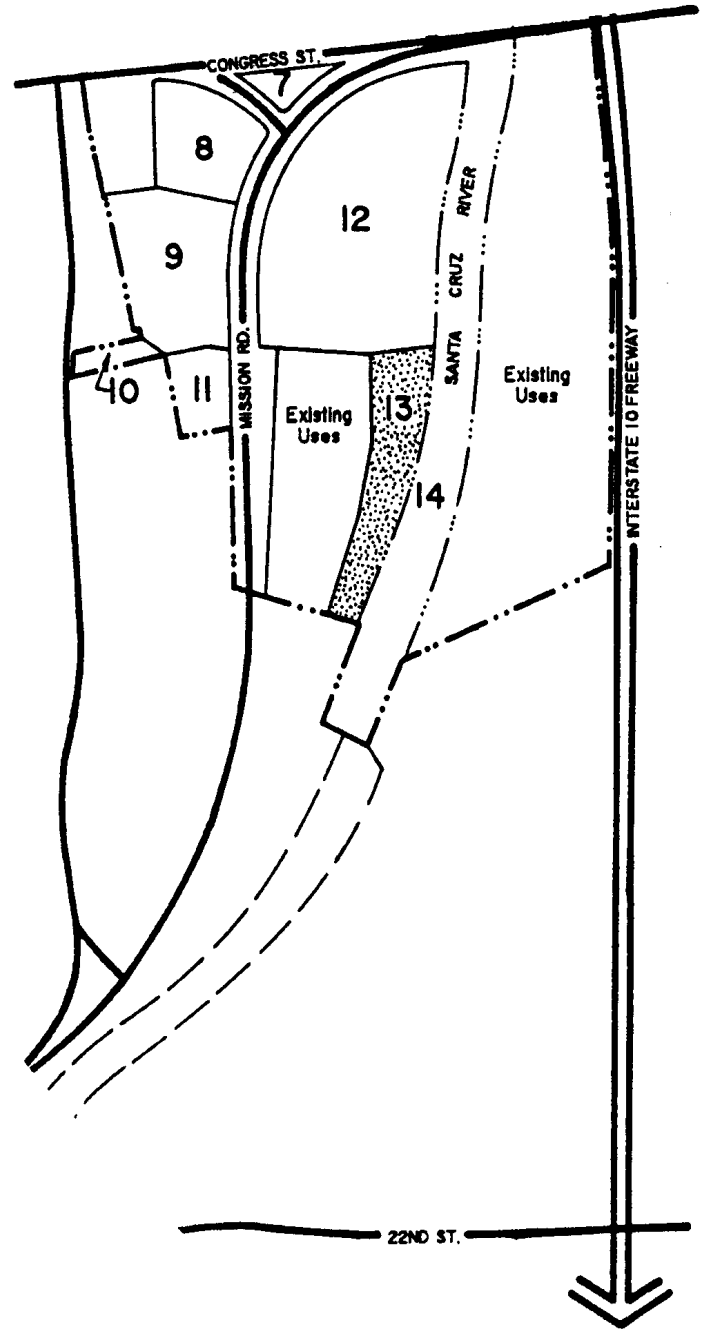
DEVELOPMENT AREA: 13 5.9 acres

Primary Uses Open Space &
Permitted: Recreation

Alternate Use Parking
Permitted:

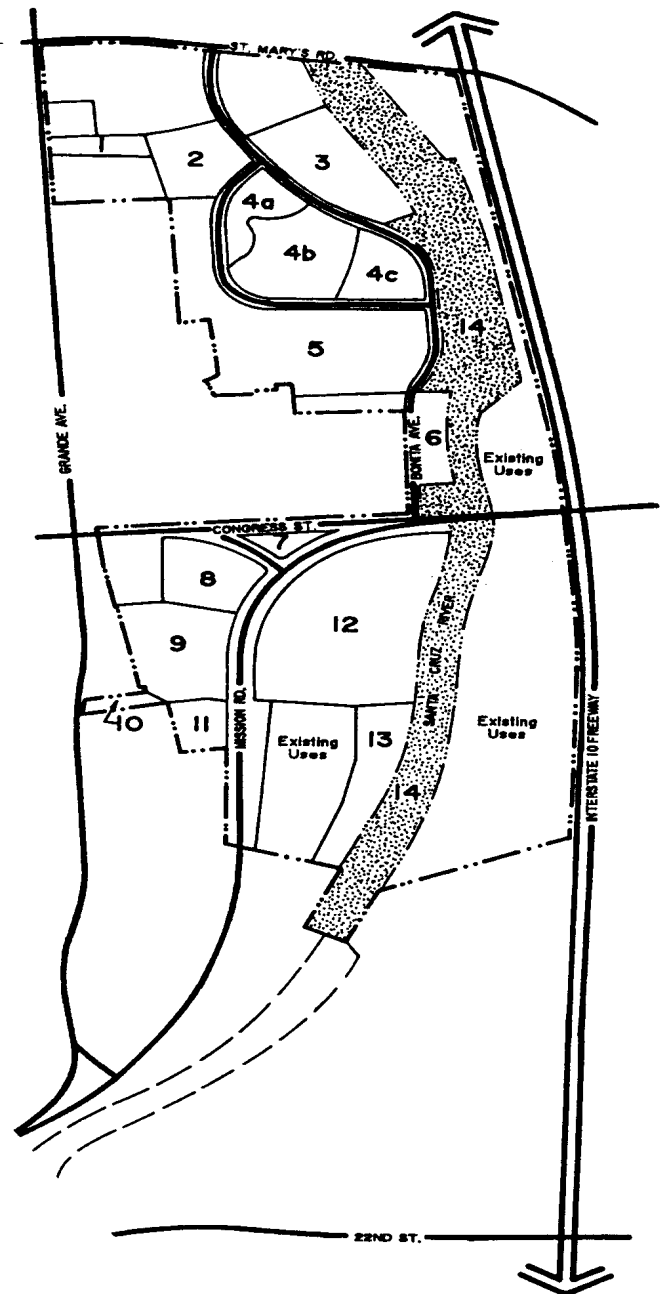
General Development Standards

- a) Special landscape requirements:
Special landscaping and irrigation
methods will be required so that
methane production from the
underlying landfill is minimized, per
MMCP
- b) Parking requirements:
Per design guidelines, Section IIIA



DEVELOPMENT AREA: 14 38.8 acres

Existing Santa Cruz Riverpark and Garden of Gethsemane (public).



III

PLANNING AREA IMPLEMENTATION

A. Design Guidelines

The following design guidelines are provided for PAD Development Areas, per Exhibit C, as statements of intent which are flexible in order to promote good design and encourage creativity and quality development. The guidelines are intended to direct site specific development planning and should be used in conjunction with the development standards outlined in Section IIB. The guidelines are grouped into generic design areas as follows:

1. Circulation

a. Street layout and design shall consider:

- natural contours of the land
- soil types/landfill characteristics
- geologic conditions
- drainage patterns
- storm water
- developments adjacent to *Rio Nuevo*
- safety features
- economy of construction
- convenience and economy of use

b. Bicycle paths and pedestrian trails shall be integrated with the street system and adjacent developments where possible.

c. Circulation design shall provide for:

- A safe and adequate means of ingress and egress of vehicular and pedestrian traffic to and within the project.
- Access of emergency vehicles necessary to serve the project area.
- The most economical construction and maintenance of the necessary streets within the project area consistent with the circulation objectives of the *Plan*.

d. All streets shall be provided with a level of street lighting designed to protect the health, safety and welfare of those working in and passing through the *Redevelopment Plan/Planned Area Development* area.

- e. Access control shall be exercised along Congress Street and Mission Road to ensure adequate traffic flows are maintained.
 - f. Loading areas for retail uses shall be located away from existing residential uses.
2. Infrastructure
- a. Storm drainage facilities shall ensure the acceptance and disposal of storm runoff without damage to streets or adjacent properties.
 - b. Utility easements shall be provided as required to facilitate an appropriate service network within the project area.
 - c. Utility facilities shall be visually screened through undergrounding or appropriate screening.
3. Site Development
- a. Setbacks

Avoid long linear vistas and building edges within the development envelope and along the streetscape through variations in setbacks.

Random setbacks of buildings and landscaping are encouraged.
 - b. Parking

Parking shall be provided in accordance with the City of Tucson *Land Use Code*, except as modified below. Parking areas shall be designed to facilitate both vehicular and pedestrian movements.

Parking areas shall incorporate both landscaping and screening to make them visually compatible with their surroundings.

In an effort to encourage measures to improve air quality and reduce traffic congestion, developers in *Rio Nuevo* are encouraged to participate in a Ride Share program. The Ride Share program will identify goals for trip reduction as well as the proposed method for achieving such goals. Upon approval of such program by the Planning Director and the Redevelopment Administrator, the parking ratio for the proposed development may be reduced up to 1 space per 275 sq. ft. of gross floor area. The Ride Share program will serve as the basis for determining the amount of the reduction. The developer will be required to enter into a legally binding agreement with the City of Tucson prior to submission of a development plan for the project in order to qualify for the parking allowance.

The Ride Share program will apply only to office uses, commercial and residential developments are excluded. All parking ratio reductions will be determined on a case-by-case basis.

c. Landscaping/Screening

Landscape Design: (Refer to Exhibit G.) Landscape materials should enhance the major architectural design elements through the coordinated use of flower and leaf colors, tree forms, plant material masses, and lighting.

Grouped masses of plant material should be designed to complement architectural elevations and roof lines through color, texture, density and form on both the vertical and horizontal planes.

Landscaping design shall establish project identity and accentuate common entrance areas. Landscaping should be interspersed within parking areas and used to screen parking areas and non-residential storage areas.

Wherever feasible, native and drought-tolerant plant material shall be used.

Appropriate plant materials should be used to define space, create a visual image and separate differing land uses.

Landscaping shall consider solar rights of adjacent structures.

A combination of landscaping, fences and walls shall be used on the perimeter of properties to define property limits, separate use areas, and provide on-site security. Fencing, walls and other structural barriers should be designed of similar materials, colors and general style as the primary buildings on a site. Chain-link and wooden fences will not be permitted.

Landscaping, fences and walls or a combination, shall be utilized to visually screen and/or physically enclose outdoor storage areas, loading docks and ramps, transformers, storage tanks, and other appurtenant items of poor visual quality.

Outdoor storage areas shall be screened from view off the property by the use of fencing, walls and/or landscaping.

Fence and wall heights shall generally be as tall as those objects or areas they are intended to visually screen; however, no fence or wall shall exceed six feet in height.

All roof and ground-mounted equipment shall be screened.

All landscaping shall comply with sight visibility triangles as established in the City of Tucson Street Development Standards.

Streetscapes: (Refer to Streetscape Program for *Rio Nuevo*, 1983, Appendix F) In order to achieve a uniform landscape theme within the *Redevelopment Plan/Planned Area Development Area*, the areas within the street medians, parking strips, and streetscape setback areas shall have a coordinated landscape palette.

Non-residential land uses should buffer abutting residential densities with an effective landscape composition. Landscaping elements are to provide visual screening and achieve a transition into the primary use area of the site. These landscape elements may include ground cover, shrubs and trees.

d. Lighting

Lights shall not be placed to cause glare or excessive light spillage on neighboring sites and residential neighborhoods.

Concealed light sources are recommended.

The design of light fixtures and their structural support shall be architecturally compatible with the surrounding buildings.

All light standards within the public rights-of-way which will be maintained by the City will use lighting fixtures compatible with City specifications. Heights of poles are subject to the approval of the City Traffic Engineer.

All parking lot and driveway lighting should provide uniform illumination. Accent illumination is recommended at key points such as entrances, exits, loading zones and drives.

e. Signage

Signs shall be used for the purpose of identification and direction. The design of permitted signs shall be architecturally integrated with the building design.

Plans for signs shall be reviewed as part of the architectural and design controls to ensure aesthetic treatment and compatibility with the other development areas and the surrounding neighborhood. Until such time as the proposed Special Districts section of the Sign Code is adopted and becomes operative, the following types of signage in the City Sign Code are recognized as being appropriate. These include building signs, monument signs, directional signs, wall signs, free-standing signs, construction signs, on-site subdivision signs, real estate signs and development signs.

No advertising devices shall be permitted which revolve, rotate, move or create the illusion of movement, or have any visible moving, revolving, or rotating surface or parts.

No part of an illuminated advertising device light source or any light shall revolve, rotate, move or create the movement, nor change color, fluctuate or vacillate.

No off-premise signage, except for real estate and directional signs, shall be allowed in *Rio Nuevo*.

Window paste-ups or similar temporary signs intended to be read from streets, drives and parking areas in *Rio Nuevo* shall be prohibited, except that signs advising of sales, special events or other temporary merchandising activities may be displayed with specific approval by the Property Owners' Association, and the City Building Safety Division.

f. Nuisance Prevention

Noise. At no point beyond the property lines of the lot shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands shown below (excluding operation of motor vehicles or other transportation facilities).

Octave band Cycles per second			Maximum sound pressure Level in decibels .0002 dynes per CM ²
0	to	75	67
75	to	150	52
150	to	300	45
300	to	600	38
600	to	1200	35
1200	to	2400	31
2400	to	4800	28
Above		4800	26

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive-type noises shall be subject to the performance standards provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so

measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

Smoke. No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four minutes in any thirty-minute period. For the purpose of grading the density of smoke, the Ringleman Chart as published by the US. Bureau of Mines shall be the standard.

Glare or Heat. Any activity producing intense glare or heat shall be performed in such a manner as not to create a nuisance or hazard beyond the property lines.

Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.

Vibration. No vibration shall be permitted which is discernible beyond the property lines to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. to 7:00 p.m., or of thirty seconds or more duration in any one hour between the hours of 7:00 p.m. to 7:00 a.m.

Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause any excessive soiling.

Liquids and Solid Waste. No wastes shall be discharged in the streets, drainageways or any property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.

Illumination. Illumination of buildings and open areas shall be so arranged as to eliminate glare toward streets and adjoining properties.

B. Implementation Plan and Procedures

1. Proposed Changes to Zoning Ordinances and Building Codes

The project will not result directly in the modification or change of any existing building codes or other ordinances except portions of the applicable Building Zone Map(s) of the City of Tucson, which will designate a planned area development area.

2. Subdivision Plats and Development Plans

Application for development approval after adoption of the *Redevelopment Plan/Planned Area Development* shall be a two step process: First, tentative and final subdivision plats and then, development site plan review and approval.

a. Subdivision Plats

After adoption of the *Plan*, subdivision plats shall be submitted, as appropriate, to the City of Tucson for processing, in accordance with the City of Tucson *Land Use Code*.

Subdivisions of the Project may consist of right-of-way dedications and block platting only, but individual lots may be created as well.

All improvements and/or assurances necessitated by the development shall be completed prior to the transmittal of the final plat for Mayor and Council approval, unless such improvements are assured in a form acceptable to the City Attorney.

A master drainage study will be submitted with the final plat.

The *Redevelopment Plan/Planned Area Development* shall become effective following approval of the final subdivision plat by Mayor and Council and the recording of that plat, together with accompanying protective covenants deemed necessary to the development of the property, in the office of the Pima County Recorder.

b. Development Plans:

Development Plans, construction documents, and specifications shall conform in all basic aspects to the requirements of this *Plan*, and when approved, shall authorize the development of land subject to applicable codes of the City of Tucson and the requirements of the disposition and development documents of the Redevelopment Entity. The Illustrative Site Plan, attached hereto as "Exhibit D", shows the use, size and building arrangement within the Development Areas. It should be understood that this exhibit, (Exhibit D), is illustrative only and is intended only as a development guide.

Development Plans which vary from the Illustrative Site Plan may be approved, but in all cases must be in conformance with the uses and development standards specified in this *Plan*.

1) Time of Submittal

Conceptual site plans, in less detail than outlined below, showing primary building location and heights, parking layout, access and egress and landscaped areas are encouraged to be submitted for preliminary review and approval at any time prior to formal development plan submittal.

Development Plans shall be submitted by the Developer to the Redevelopment Administrator prior to any development of a site or sites. Following approval by the Redevelopment Administrator, Development Plans shall be forwarded to the City for approval.

2) Contents

Development Plans shall be prepared by the Developer in accordance with the requirements of the City of Tucson *Land Use Code* and shall also include the following:

Landscape and Maintenance Plan. A landscape and maintenance plan shall be prepared at a sufficient scale to show the location, size and species of all plant material, and the proposed water or irrigation system to be used, along with a maintenance schedule.

Floor Plans. Rough floor plans of the first floor and any basement or subsurface parking of all buildings shall be prepared to evaluate adequate circulation. The floor plans shall be fully dimensioned and uses indicated. Floor plans for other typical floors shall also be submitted.

Elevation Renderings. Renderings, with dimensions, shall be prepared to depict elevation views of all sides of the proposed development, to include the height of buildings and structures, the dimensions of overhangs and other appropriate dimensions.

Sign Plans. A plan shall be prepared showing the location, size and lighting sources of all signs and other advertising devices.

Lighting Plan. A lighting plan shall be prepared for all parking areas and vehicular and pedestrian circulation areas to indicate the type and size of all lighting structures and illumination specifications.

Drainage Plan. A drainage plan based on the master drainage study shall be prepared.

Additional Information. Such other statistical or graphic information or material shall be prepared as may be desired by the Developer or reasonably required by the Redevelopment Administrator or the Planning Director to depict unique characteristics of the site, its proposed development and use.

3) Approval of Development Plans

Purchasers, lessees or owner participants of land within the project area shall be required to develop land in accordance with approved Development Plans which conform to the requirements of this *Plan*. Transfer of title to purchasers, lessees, developers, or rehabilitators of land or buildings may be withheld by the Redevelopment Administrator in order to ensure the fulfillment of this requirement.

Redevelopment Administrator's Review. All Development Plans and related construction documents and building specifications shall be approved by the Redevelopment Administrator in accordance with procedures for approval set forth in the disposition documents.

Planning Director's Review. After written approval by the Redevelopment Administrator, the Developer shall then submit approved Development Plans to the City for its review and approval. Sufficient copies of the Development Plan shall be submitted to the Planning Director for review. The Planning Director shall not review Development Plans without the Redevelopment Administrator's prior approval. The Planning Director shall submit the Development Plans to the Community Design Review Committee (C.D.R.C.), which shall have 30 days to complete its review.

If there are revisions to the Development Plan, the Developer shall make necessary revisions which shall be resubmitted for further review; provided, however, that if substantial changes are made in the Site Plan, it shall be resubmitted to the Redevelopment Administrator in accordance with Paragraph 1 above.

Approval of Development Plans by the Planning Director shall be the basis for the issuance of building permits, licenses, and certificates of occupancy.

Appeals. Appeals from any decision of the Planning Director shall be to the Mayor and Council.

Amendments to Development Plan. Substantial amendments to the Development Plan shall be processed as an original Development Plan. The Planning Director shall have authority to determine whether a proposed amendment is substantial. Minor amendments, not to include changes in building heights and/or densities, may be approved by the Redevelopment Administrator and Planning Director. Any changes must conform to the goals and objectives of the *Plan*.

3. Site Improvements and Public Utility Requirements

Site improvements undertaken as project activities may include the following: Site preparation through removal of uncompacted fill and rubble and replacement with compacted fill; demolition of substandard, abandoned and incompatible commercial and industrial structures; installation of perimeter methane venting systems, subsurface storm drainage facilities, sewers, water lines and other utilities to directly serve development; construction of collector thoroughfares to provide access and circulation within the project; and channelization, bank stabilization and landscaping of the banks of the Santa Cruz River.

Adequate gas, electrical, water, sewer and telephone services are available at project boundaries. Additional off-site facilities will be constructed as necessary to provide adequate fire flow capacities as approved by Tucson Water for the *Rio Nuevo* development.

4. Master Methane Control Program

This section will apply to any development on or adjacent to Old Solid Waste Disposal Sites (SWDS) within *Rio Nuevo* north of Mission Lane. Required actions and submittals are as follows:

- a. Existing Conditions. With respect to existing conditions resulting in methane generation on the site, the Redevelopment Entity and/or developer will construct venting systems necessary to abate any lateral migration of methane gas onto adjoining properties. Refer to Appendix E, Master Methane Control Plan (MMCP), for a discussion of alternative methods for mitigation of the existing gas migration condition.

- b. Master Methane Control Plan. This document must be submitted at the time of overall block platting of the site. It should address methane in general terms. At a minimum it should contain:
- Methane Generation Controls - a plan showing techniques and procedures used in controlling the production rate of methane. Elements include, for example, drainage control, landscaping control, and surface treatment.
 - Perimeter Barrier Controls - how methane migration will be controlled and prevented from crossing site or landfill boundaries.
 - Monitoring System - an overall plan for the installation, monitoring, and maintenance of test and warning system.
 - Other plans as deemed necessary by the City of Tucson.
- c. Development Site Methane Control Plan. This will be submitted at the time individual development plans are submitted and must be approved before building permits are issued. They will address methane control for each individual building or how perimeter methane control at adjacent landfill boundaries will provide protection for the building as appropriate:
- Monitoring and alarm systems.
 - Methane collection and venting system.
 - Integration of the individual systems within the overall site systems where appropriate or necessary.
 - Drainage, landscaping and irrigation plans.
 - Maintenance guidelines.
- d. Procedures During Construction
- All construction will be conducted in conformance with applicable Federal, State, and local regulations for construction on or near known landfills.
 - The applicant shall have a registered professional engineer submit an affidavit to the Building Safety Administrator stating that all new construction is in compliance with these regulations, that all required testing and monitoring has been done and is being done pursuant to

- these regulations, and the result of such required testing and monitoring are submitted to the Building Safety Administrator.

e. Review, Monitoring and Maintenance

All required reports and plans will be prepared by and accompanied by an affidavit by a registered engineer knowledgeable with methane control procedures. The submitted reports will be reviewed and approved by:

City of Tucson
Building Safety
City Engineer
Fire Department
Planning Department
Operations Department
Pima County
Air Quality Control District
State of Arizona
Department of Health Services (ADHS)

Monitoring of required test probes and gas alarm systems where installed within the perimeter venting system will be the responsibility of the City of Tucson under direction of the ADHS. Monitoring will be conducted as stated generally in the MMCP and specifically in each individual development site *Methane Control Plan* or as arranged per the requirements and regulations of the Arizona Department of Health Services.

Responsibility for the continued maintenance and upgrading of control and monitoring systems is essential to assure public health, safety and welfare. Funding of maintenance and upgrading may be provided by an assessment through a City Improvement District for maintenance purposes or other sources of funding. Any such assessment district created for this maintenance purpose will be established prior to issuance of building permits.

While construction of the ADHS-approved perimeter venting systems will be installed per Section III, B.4A, an agreement acceptable to the Redevelopment Entity and City of Tucson specifying public and private agency responsibilities regarding City-owned SWDS in *Rio Nuevo* north of Mission Lane will be filed with the City Clerk's office.

C. Redevelopment Program

In implementing the Project any and all methods of achieving the redevelopment of the project area as authorized by law may be utilized. Specific methods which may be identified now are:

1. Property Acquisition

The City or Redevelopment Entity will acquire designated land, real property and interests in land within the project area. Property remaining to be acquired for redevelopment is shown on the Land Acquisition Map, "Exhibit I". The City or Redevelopment Entity retains the option to purchase additional properties and to permit, at its own discretion, owner participation agreements to be entered into and carried out by owners of certain property as set forth in Paragraph 3 of this Section.

a. Method of Land Acquisition

Acquisition appraisals will be prepared by competent independent appraisers as the basis for negotiating the acquisition of project land at fair market value. If a negotiated purchase fails, the City may initiate condemnation proceedings to acquire the property. Following acquisition of project land, sites will be prepared for new development in accordance with the *Plan*.

b. Estimated Cost of Land Acquisition, Preparation of Project Area for Redevelopment and Proceeds from Sale of Land.

The estimated maximum cost of acquisition of land in the project area, including improvements, is \$4,750,000.

The estimated maximum cost of flood control improvements in the Santa Cruz Riverpark is \$4,800,000.

The estimated maximum cost of preparation of the Redevelopment Project Area for redevelopment, not including Mission Road, is \$6,400,000.

Land sale proceeds for redevelopment in accordance with the *Plan* are estimated to be a minimum of \$7,700,000.

2. Proposed Method of Financing the Redevelopment Project

Project expenditures in excess of proceeds from the sale of land to developers will be paid from a variety of sources, including but not limited to: Appropriations from Housing and Community Development Act grants, including Section 108 Loan Advance; the City of Tucson Capital Improvement Program; State of Arizona Flood Control funds; Tucson Electric Power Company undergrounding district funds;

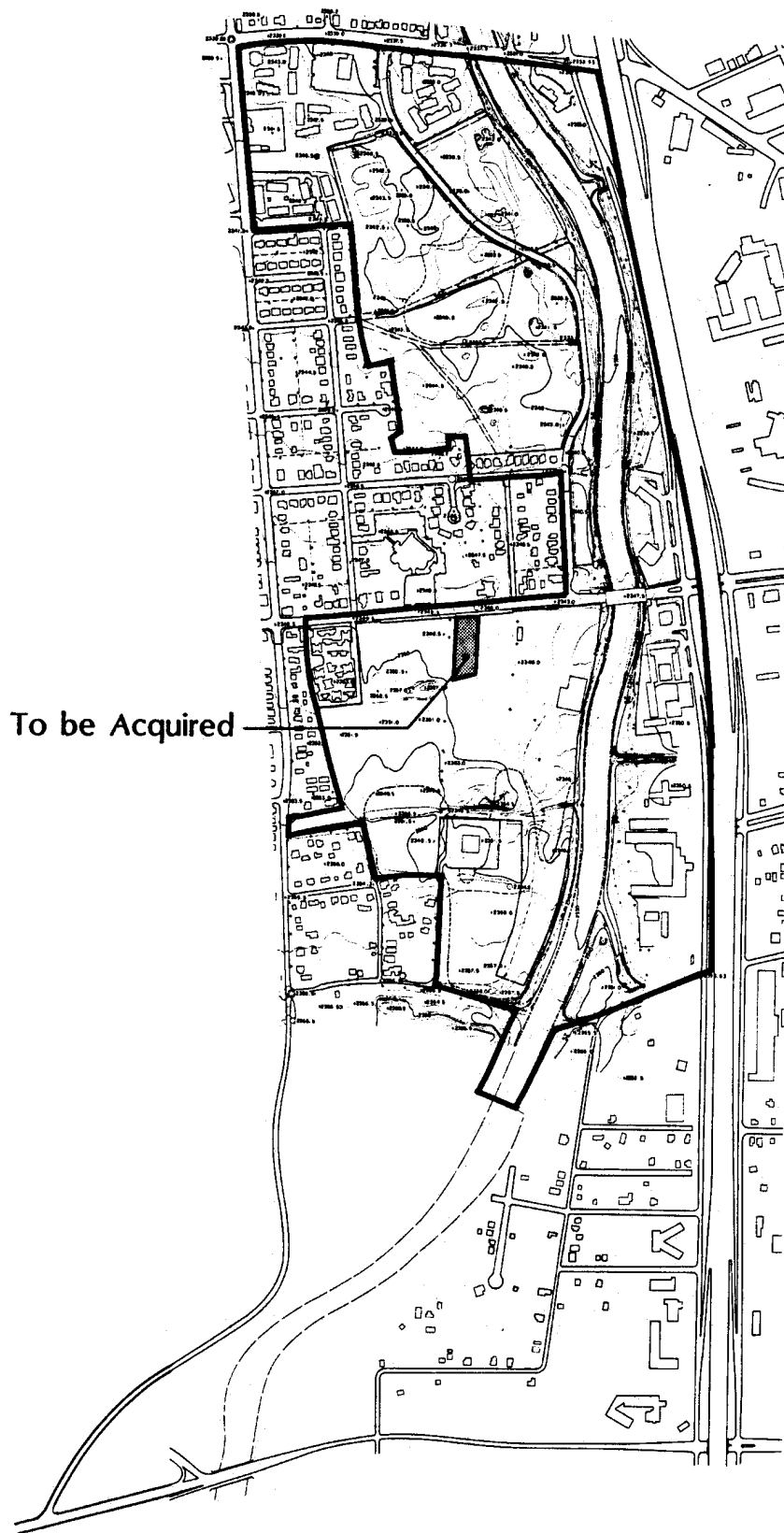


Exhibit I
Land
Acquisition
Map

private gifts or donations; various Federal grant-in-aid programs, including historic preservation and solar energy development assistance; and other special fund sources that are, or may become, available, including industrial development and/or mortgage revenue bonds and tax abatement or payment-in-lieu-of-tax programs.

3. Owner Participation

Where compatible with the purposes of the *Plan*, owners of real property in the Project may be accorded, subject to rules and regulations promulgated by the City or Redevelopment Entity, the opportunity to participate in the redevelopment of the Project. Such participation shall be contingent upon execution by such owner of a binding agreement (Owner Participation Agreement) by which the property retained or acquired will be developed, maintained, or rehabilitated for use in conformance with the *Plan*, the declaration of restrictions and guidelines for owner participation.

Owner participation necessarily will be subject to and limited by such factors as the nature, condition, and use of existing improvements; the elimination of certain land uses; the realignment of streets; the construction of new public facilities and improvements; and the ability of owners to finance acquisition and rehabilitation, and/or to redevelop in accordance with the *Plan*; the need to proceed with the implementation of the Project in a timely manner; and the declaration of such restrictions and controls as may be found necessary to ensure that redevelopment is carried out pursuant to this *Plan*.

4. Property Management

Property in the Project Area shall be under the management of the City or Redevelopment entity until such time as the property is disposed of to a Developer.

5. Method Proposed for the Relocation of Families

The project required the relocation of four businesses and two caretaker households, in accordance with the Uniform Relocation Assistance Act.

6. Disposition of Real Property

For the purposes of this *Plan*, the City or Redevelopment Entity is authorized to sell, lease, sublease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property.

All real property or personal property acquired in the Project shall be sold, leased, or transferred at fair market value for uses in accordance with the *Plan*, even though such fair market value may be less than the cost of acquiring and preparing the property for redevelopment. Real property which is conveyed to any public body may be done with or without consideration.

The disposition and development documents shall reserve such powers as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this *Plan*.

All purchasers or lessees of property shall be obligated to use the property for the purposes designated in this *Plan* and to begin and complete development of the property within the period of time as agreed upon in the disposition documents.

7. Disposition and Development Documents

All real property sold, leased, or conveyed by the City or Redevelopment Entity shall be made subject to the provisions of this *Plan* by lease, deeds, contracts, agreements, declarations, or other means, as necessary, to provide adequate safeguards to ensure that the provisions of this *Plan* will be carried out and to prevent the recurrence of blight. Where appropriate, as determined by the City or Redevelopment Entity, such documents or portions thereof shall be recorded in the Office of the Recorder of Pima County, Arizona.

Purchasers, lessees or owner participants of land within the Project Area shall be required to develop such land in accordance with the provisions of this *Plan*. Transfer of title to purchasers, lessees or developers of land may be withheld in order to ensure the fulfillment of this requirement.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants running with the land, rights-of-reverter, conditions subsequent, equitable servitudes, rights to repurchase, or any other provision necessary to carry out this *Plan*.

The developer of project land shall not sell, lease or otherwise transfer such land at any time prior to the completion of the redevelopment thereof without the prior written consent of the City or Redevelopment Entity.

8. Works of Art

Developers may be required as a basis for their selection to supply and incorporate into each development works of art for public view and appreciation. Rules and regulations governing the provision of works of art, including costs, placement and time of construction shall be established by the City or Redevelopment Entity.

9. Actions by the City

The City shall take all actions necessary to implement this *Plan* and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include all those actions authorized by law which include, but shall not be limited to, the following:

- a. Exercising its power under State law, the Tucson Charter and the Tucson Code as necessary in the implementation of the *Plan*, including but not limited to the powers granted the City under the Slum Clearance and Redevelopment Act, A.R.S. Sec. 36-1471, et seq., where necessary to acquire land within the project area for redevelopment purposes.
- b. Taking all actions necessary for closing, vacating or widening streets, alleys, and other public rights-of-ways, and for other necessary modifications of the streets, the street layout, and other improvements within the public rights-of-ways within the Project Area including changes and improvements in public-owned utilities within or affecting the Project.
- c. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered by the City in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delay.
- d. Contract with any agency or corporation, public or private, as necessary or desirable to implement the provisions of this *Plan*.

D. Consistency and Amendment Procedures

1. Consistency

All of the provisions of the *Rio Nuevo Redevelopment Plan/Planned Area Development*, as well as any land use authorized by the *Plan*, shall be consistent with the City *General Plan* and other adopted plans and policies. Consistency shall mean that the various land uses authorized by the *Rio Nuevo Redevelopment Plan/Planned Area Development* are compatible with the objectives, policies, general land uses, and programs specified in the *General Plan* and other adopted plans.

- a. Adoption. The *Redevelopment Plan/Planned Area Development* shall be processed in accordance with the City of Tucson *Land Use Code* and may be amended from time to time in accordance with such provisions.
- b. Enforcement. The Planning Director and Building Safety Administrator shall be responsible for enforcement of this *Plan*.
- c. Conflict with City Statutes. In the event the terms of this *Plan* conflict with the City of Tucson *Land Use Code*, the *Plan* shall govern.
- d. Minor Changes. The Planning Director may, upon request by the Redevelopment Entity, allow minor changes to the criteria set forth in the *Redevelopment Plan/Planned Area Development*, providing said changes are not in

conflict with the overall intent as expressed in the *Redevelopment Plan/Planned Area Development*. Minor changes do not include anything which alters allowable uses, building heights, floor area ratios, residential densities, or landscaping. Any changes must conform to the goals and objectives of the *Plan*.

2. Amendments

The approved *Plan* may be amended by the City upon compliance with the requirements of State and City law, including appropriate administrative regulations, to the extent that those laws and regulations are applicable to the amendment of the *Plan*.

Proposed amendments shall be submitted by the Redevelopment Administrator to the Planning Director for review along with a report describing the proposed amendments and the Redevelopment Administrator's recommendations. The amendment shall be submitted to the City with a report containing the recommendation of both the Planning Director and the Redevelopment Administrator. Any proposed amendment which will substantially alter the *Plan* shall be considered a new *Plan* and shall be subject to all of the requirements of a new *Plan*.

E. Developer's Obligations and Design Objectives

1. Time for Completion

Developers shall begin and complete the development of the land for the uses required by this *Plan* and the construction of improvements agreed upon in the disposition contract within a reasonable period of time to be provided for in the disposition contract.

2. Design Objectives

Developers shall be required to meet certain design objectives enumerated below, subject to site plan and design review and approval, in order that sound and attractive development be achieved and to ensure that the new development is properly integrated into the area:

- a. Provide building orientation, variation in building height, siting and an arrangement and relationship among uses and structures in an interesting sequence that defines, complements and supports a strong pedestrian corridor and transportation system as an integral part of the overall design and project activity.

- b. Provide an attractive urban environment utilizing form and materials that blend harmoniously with adjoining areas.
- c. Provide for well-designed open spaces in relation to new buildings, including appropriately screened and landscaped pedestrian and parking areas.
- d. Provide maximum separation and protection of pedestrian access routes from vehicular traffic arteries and optimum internal pedestrian circulation routes within the development.
- e. Provide adequate setbacks or acoustical shielding from traffic noise.
- f. Otherwise reflect standards of quality and excellence required for acceptance of the concept through site plan review procedures.
- g. It is expressly understood that approval of any site or architectural plans, including landscaping, signing and lighting, is solely at the discretion of the Redevelopment Entity under contract with the City for implementation of this project, with final approval by the City of Tucson as required by applicable Tucson City Codes, and applies to any and all features shown thereon; that any subsequent additions, deletions, or other modifications thereof are required to be resubmitted by the Developer for approval before actual construction can occur; and furthermore, that the regulations and controls of this *Plan* as they pertain to land use will be implemented where applicable by appropriate covenants and other provisions in the agreement for land disposition and conveyance executed pursuant thereto.

F. Granting of Variances in the Event of Hardship

Where unnecessary hardships, practical difficulties or consequences inconsistent with the general purposes of this *Plan* result from the literal interpretation and enforcement of restrictions and limitations imposed by this *Plan*, the owner of the property affected may make application to the Redevelopment Entity for a variance, stating fully the grounds of the application and facts relied upon. The Redevelopment Entity, upon receipt of the application and upon its own further investigation, shall subsequently submit its recommendations to the City for final review and approval. The City may grant a variance under such conditions and safeguards as it may determine, consistent with the general purposes and intent of this *Plan*, provided that in no instance will any variance be granted that will change or alter the land uses or other basic requirements of this *Plan*.

G. Severability

In the event that any provision, section, subsection, sentence, clause or phrase of this *Plan* is for any reason held to be invalid or unconstitutional, such decision shall not affect the

validity of the remaining portion or portions of this *Plan*.

H. Nondiscrimination

No person shall, on the grounds of race, creed, color, sex, age or national origin, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination in the sale, lease, use or occupancy of any portion of this Project.

Appropriate covenants running with the land to prohibit such restrictions shall be included in the disposition instruments.

The following appendices adopted as a part of this *Redevelopment Plan* are on file and available from the City Planning Department, City Hall, 255 W. Alameda, Tucson, Arizona, 520-791-4505.

Appendix A - Legal Description

Appendix B - Recommended Landscape Plant Materials

Appendix C - Index of State of Arizona Redevelopment Plan and City
of *Tucson Planned Area Development Requirements*

Appendix D - Bibliography

Master Methane Control Plan

Streetscape Program

Traffic Study - Mission Road/Congress Street
- 10th to 22nd Street